



Crl.O.P.No.30286 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.44 of 2024, registered for the offences punishable under Sections 5(i), 5(j)(ii), 5(n), 6, of the POCSO Act, 2012 and 9 and 10 of Child Marriage Act, 2006, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the accused performed child marriage between A1 and minor victim girl, who was aged about 17 years and A1 committed penetrative sexual intercourse with the victim girl. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would further submit that the petitioner and the victim girl are close relatives. The family members under the impression that the victim girl had attained majority had arranged marriage between the petitioner and the victim girl and the marriage was conducted in the presence of the elders. After the marriage, the petitioner was living together with the victim girl in the petitioner's house. When the victim had gone to the Hospital and after examining her the Doctor



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gave a complaint stating that the victim girl was a minor and thereby the case has been registered. He would submit that the petitioner and the family members of the petitioner are belonged to the lower strata of society and only under the genuine belief that the victim girl had attained majority, the marriage was performed.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the accused performed child marriage between the petitioner and the victim girl and thereafter the petitioner had sexual intercourse with the victim girl due to which she became pregnant.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Court for**



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Exclusive trial cases under POCSO Act, Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 06.30 p.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560];

*[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 269 of B.N.S.*

05.12.2024

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