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**IN THE COURT OF THE PRINCIPAL
DISTRICT AND SESSIONS JUDGE AT
MYSURU**

Dated this the 23rd day of June, 2026

PRESENT

Smt. Usharani, B.A.(Law), LL.B.,
Principal District & Sessions Judge,
Mysuru.

Crl.Misc./911/2026

- Petitioner/s:**
1. Shivakumar,
S/o Ramaswamy,
Aged about 33 years,
R/at # 10, Gokulam,
4th Stage, Manjunathapura,
Mysuru.
 2. Periswamy,
Chinnaswamy Chennappan,
Aged about 55 years,
R/at # 126,
Periyataraiyur Village,
Pochampalli Taluk,
Damodarhalli Post,
Krishnagiri District,
Tamil Nadu State.
 3. Sandhya,
W/o Periswamy,
Aged about 46 years,
R/at Krishnagiri,
Dharmapura, Tamil Nadu,
 4. Ramaswamy,
S/o Late Perumal,
Aged about 70 years,
R/at # 10, Gokulam,
4th Stage, Manjunathapura,
Mysuru.

5. Rajamani,
W/o Ramaswamy,
Aged about 60 years,
R/at # 10, Gokulam,
4th Stage, Manjunathapura,
Mysuru.
6. Rajeshwari,
Aged about 40 years,
R/at Krishnagiri,
Tamil Nadu.
7. Srilakshmi,
D/o Periswamy,
Aged about 19 years,
R/at 126, Periyataraiyur Village,
Pochampalli Taluk,
Damodarhalli Post,
Krishnagiri District,
Tamil Nadu State.

**[By Sri Pradeep Kumar AB,
Advocate]**

V/s.

Respondent:

The Station House Officer,
V V Puram Police Station,
Mysuru City,
Represented by
The Public Prosecutor,
Mysuru

ORDERS

The bail petition is filed by the petitioners under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 ['BNSS 2023' for short] seeking anticipatory bail in Crime No.24/2026 of respondent Police Station,

registered for the offences punishable under Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006.

2. The brief facts of the case are that, Complainant i.e., Probation Officer of District Children Protection Committee has received information about performance of marriage of 16 years old girl child of Periyaparayar village, Pochambala Taluk, Krishnagiri District, Tamilnadu State, by her parents with one Shivakumar aged 30 years of Manjunathapura Mysuru, on 13.5.2026 in the presence of his parents and relatives at Manjunathapura Maramma Temple. Immediately he has taken action as required under law and submitted report to District Child Protection Officer, along with counseling report of the victim and her SSLC markscard, who in turn orally directed the complainant to lodge complaint before the concerned Police. Hence he has lodged complaint before Police Inspector, V V Puram Police Station. Based on which, F.I.R. has been registered for the offences punishable under Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006.

3. The grounds urged for the bail are that, petitioners are innocent persons and law abiding citizens. They have not committed any offence. They are falsely implicated in this case. Police have registered false case with an ulterior motive. Petitioners are permanently residing in the address given in their Aadhaar Cards. They hail from respectable family and have got deep roots in the society. There is nothing on record which warrants custodial interrogation of the petitioners. They are ready to co-operate for investigation. Petitioner No.1 is the son of petitioners 4 and 5 and petitioner No.2 and 3 are the parents of victim. Petitioner No.6 is the aunt of victim and petitioner No.7 is a student and daughter of petitioners 2 and 3 and hence if petitioner No.7 is arrested, her future will be spoiled. There are no materials to show that petitioners have committed the offence. Victim was born on 25.9.2009 and has attained the age of 17 years. Petitioners are ready to furnish surety to the satisfaction of the Court. Since respondent Police are trying to arrest them, if bail is not granted,

petitioners will be put to great hardship. Hence, prayed to grant them bail.

4. On service of notice and after furnishing copies of petition, the learned Public Prosecutor has filed objections stating that, offences alleged against the petitioners are grave in nature and punishable with imprisonment and fine. The Police have conducted spot mahazar and statement of the victim girl was taken and her School certificate and birth certificate were obtained. Medical examination of the victim has to be conducted and other information have to be collected. If petitioners are enlarged on bail, they may abscond and interfere or obstruct the investigation and may destroy the evidence. Hence, prayed to reject the bail petition.

5. Heard the arguments of the learned Advocate for the petitioners and the learned Public Prosecutor for the respondent.

6. The points arise for my consideration are as follows:

1) Whether the bail petition filed by the petitioners under Section 482 of BNSS, 2023 deserves to be allowed?

2) What order?

7. My answers to the above points are as hereunder:

Point No.1: In the **affirmative**.

Point No.2: As per final order for the following:

REASONS

8. **POINT NO.1**: At the outset, it is important to note here that, the victim girl said to have been given one letter, wherein it is written that one Saragunam was torturing her to marry and he was forcing her to accompany him along with jewels and hence her parents scolded that person, but he has continued torturing her. Hence she has decided to marry Shivakumar, accused No. 1 against the wish of her parents and she has taken that decision and threatened them to commit suicide if they will not perform the said marriage, etc.

9. The prosecution has not stated anything about the above letter said to have been written by victim.

However during the course of argument, learned Public Prosecutor has stated that victim is now with her parents.

10. It is important to note here that in the CD, Investigating Officer has sought to reject bail petition on the grounds that victim has not attained the age of majority and if bail is granted to parents of the victim and accused No.1 and their relatives, they will continue commission of similar offences. The important witnesses have to be examined and hence if accused may also threaten them and may abscond.

11. Along with CD, there are copies of other documents relating to initial investigation and action taken by the Investigating Officer are in the file. The said documents reveal that accused No.1 and his parents have approached the parents of victim asking to perform the marriage of her elder sister with accused No.1, for which they have refused. At that time, when accused No.1 expressed his willingness to marry the victim, she had agreed. Thereafter she and accused No.1 are in love

since 2 years. She has completed her II PUC and hence she had expressed her willingness to marry him. Even during her counseling, she has stated the same thing. However she has stated that accused No. 1 has provided all facilities to her to continue her education. It is pertinent to extract Section 9, 10 and 11 of the Prohibition of Child Marriage Act, which are as follows:

"9. Punishment for male adult marrying a child.—Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

10. Punishment for solemnising a child marriage.—Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage

11. Punishment for promoting or permitting solemnisation of child marriages.—(1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other

person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised”.

12. The alleged offence is not punishable with death or imprisonment for life. Moreover, the entire family members of accused No.1 and the victim have sought for bail. If they are arrested, they and their dependents will be put to great hardship. As noted supra, according to victim, she has completed PUC and of 18 years age.

13. Under these circumstances, I opine that, bail can be granted to these petitioners however with stringent conditions to protect the interest of prosecution. Therefore, point No.1 is answered in the **affirmative**.

14. **POINT NO.2:** For the reasons stated above, I proceed to pass the following:

ORDER

This petition filed by the petitioners under Section 482 of BNSS, 2023 is hereby **allowed**.

The respondent police is directed to release the petitioners on bail on their executing personal bond for Rs.1,00,000/- (Rupees one lakh only) each with one surety for the like sum to the satisfaction of the respondent police in the event of their arrest in the case in Crime No.24/2026 of the respondent police for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 subject to the conditions that:

1. The petitioners shall not tamper the prosecution evidence.
2. They shall move for regular bail application before the concerned Court within a month from this order.
3. They shall not commit any offence.
4. They shall co-operate for investigation and appear before the Investigating Officer whenever directed.

[Dictated to the Tab, typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **23rd day of June, 2026**].

[USHARANI],
Principal District & Sessions Judge,
Mysuru.