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CRL OP No. 16864 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16864 of 2026

Anbalagan
S/o Chinnapaiyan,
No.2/25/62,
North Street,
Valayamadevi,
Attur Taluk,
Salem.

..Petitioner/ Accused-5

Vs

The State Rep By, The Inspector of Police
Thalaivasal Police Station,
Salem.
Crime no.169 of 2026

..Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.169 of 2026 on the file of the Thalaivasal Police Station, Salem.

For Petitioner: Mr. T.Ganesan

For Respondent: MS.R.S.INDIRA, GOVT.ADVOCATE
(CRL.SIDE)

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 3(5), 91 of BNS and Section 15 of the Indian Medical Council Act and Section 23(1) of the Pre-Natal of Diagnostic Techniques (Regulation and

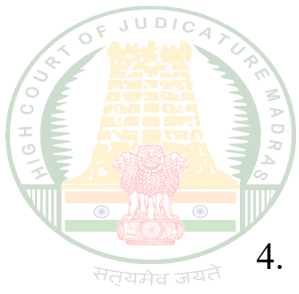


Prevention of Misuse) Act, in Crime No.169 of 2026, on the file of the respondent police seeks anticipatory bail.

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2. It is the case of the prosecution that the FIR came to be registered on the allegation that the petitioner had taken his pregnant wife for prenatal sex determination and, after allegedly coming to know that the foetus was female, arrangements were made for termination of the pregnancy. During the procedure, complications allegedly arose, following which the petitioner's wife was admitted to another hospital, where she subsequently recovered. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the co accused were released on bail and the petitioner is presently taking care of his wife and their two minor children. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.



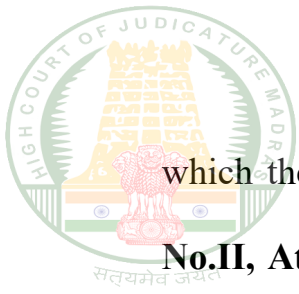
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4. The learned Government Advocate (crl.side) appearing for the respondent police, reiterated the prosecution case and upon instructions submitted that there is no previous case as against the petitioner. She submitted that totally 6 accused persons in this case. The petitioner is arrayed as Accused NO. 5; except Accused NO.1, others were arrested and released on bail. However, she opposed to grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

6. From the submission made by the learned Government Advocate (Crl.Side) the petitioner does not have any previous cases. Taking into consideration the totality of the circumstances, the fact that the occurrence is of 20.05.2026, that the investigation has substantially progressed, and that all the other accused, except Accused No.1, have already been enlarged on bail, this Court is of the view that custodial interrogation of the petitioner is not required at this stage, this Court is inclined to enlarge him on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on



which the order copy is made ready, before the **learned Judicial Magistrate**

No.II, Attur on condition that the **petitioner shall execute a bond for a sum**

of Rs.25,000/- (Rupees Twenty Five Thousand only) with **two sureties** each

for a like sum to the satisfaction of the learned Magistrate concerned, and on

further conditions:

(a) If the petitioner fail to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police daily at 10.30 am for a period of four weeks; and thereafter as and when required.

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;



(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1. The Judicial Magistrate No. II, Attur.
2. The Inspector of Police
Thalaivasal Police Station,
Salem.
Crime no.169 of 2026
3. The Public Prosecutor, Madras High Court.



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C.KUMARAPPAN, J.

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