

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.8956 of 2020

Dr.Alamelu

...Petitioner/A4

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Thiruvannamalai.
Crime No.10 of 2020.

...Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.10 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kumaresan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The Petitioner who is apprehending to arrest by the respondent police for the offences punishable under Sections 363, 312, 354A(1) (I) and 506(1) IPC and Section 5(I)(II), 5(I), 5(n), 6 and 21(1) of Protection of Child From Sexual Harassment Act, in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there are totally four accused in this case in which the first accused is the grandfather and the second and third accused are parents of the victim girl aged about 16 years. The fourth accused is the petitioner herein, who is working as a Chief Medical Officer at the Government Hospital, Thirukovilur. The Child Welfare Committee has lodged a complaint alleging that the victim girl used to visit the first accused house to assist him. It is further alleged that taking advantage of the poverty of the victim girl and circumstances of the loneliness, the first accused is being aged about 64 years has committed rape on his own grandchild. Due to which, in the month of November 2019, the victim girl got pregnant. Thereafter, in the month of March 2020, A1 to A3 brought the victim girl to the 4th accused, who is working as a Chief Medical Officer at the Government Hospital, Thirukovilur has aborted the pregnancy of the victim girl. Hence the complaint.

3. The learned counsel for the petitioner would submit that there are totally four accused in this case in which the petitioner arrayed as fourth accused. The first accused is the grandfather and the second and third accused are the parents of the victim girl aged about 16 years. According to the prosecution, the first accused who is being the grandfather of the victim girl committed rape on the victim girl and due to which she got pregnant in the month of November 2019. This fact had come to understand by the parents namely A2 and A3. They administered some country medicines to the victim to abort her pregnancy during the month of January 2020. Therefore, she got infection due to some country medicines administered by A2 and A3. The victim girl was brought to the A4's hospital for treatment. The petitioner being the Chief Medical Officer, she prescribed some antibiotics to the victim girl. She never aborted any pregnancy and she never committed any offence as alleged by the prosecution. He further submitted that even according to the case of the prosecution, it was happened in the month of March 2020. Thereafter in the month of May, again the first accused committed the same offence against the victim girl. Therefore, it was informed by the neighbor to the Child Welfare committee and subsequently the present case has been registered.

4. The learned Additional Public Prosecutor has submitted that there are totally four accused in which the petitioner arrayed as the fourth accused in this case. She is working as Chief Medical Officer at the Government Hospital, Thirukovilur and she received a sum of Rs.20,000/- and aborted the pregnancy of the victim girl aged about 16 years at the insistence of the other accused persons A2 and A3. So far, A1 and A2 were arrested by the police and they were remanded to judicial custody. The petitioner who arrayed as A4, who is being the Doctor aborted the pregnancy of victim girl aged about 16 years at the 20th week of the pregnancy. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally four accused in which the petitioner arrayed as fourth accused. According to the prosecution, A1, the grandfather of the victim girl committed rape on her and due to which she got pregnant in the month of November 2019. After come to the knowledge of the parents namely A2 and A3, they tried to abort the pregnancy of the victim girl in the month of January 2020. Therefore, they administered some country medicines and the victim girl got infected. Thereafter, victim girl was treated by A4 in the month of March 2020. Therefore as far as the petitioner is concerned, who treated the victim girl that she was brought to her hospital after administering some country medicines to abort the pregnancy. Further A1 and A2 were arrested and remanded to judicial custody.

6. Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before

the learned **Judicial Magistrate, Special Court for POCSO cases, Thiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. Accordingly, this Criminal Original Petition is ordered.

-sd/-
02/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR POCSO CASES,
THIRUVANNAMALAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

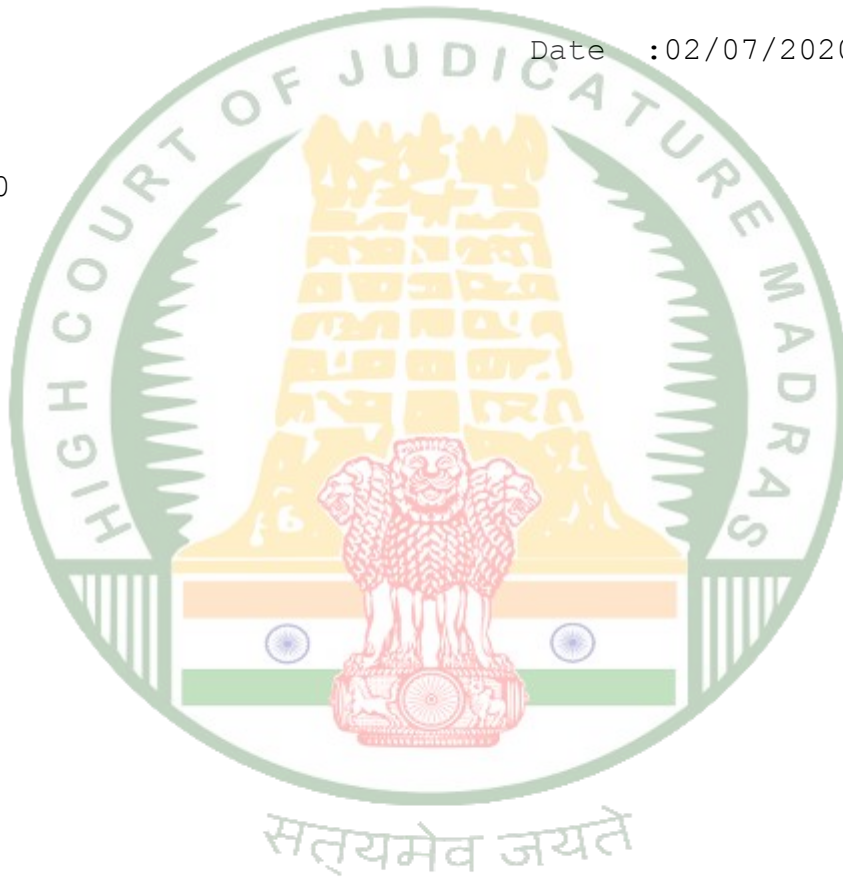
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIURVANNAMALAI.

CC to M/S P.KUMARESAN Advocate on payment of necessary charges

CRL OP.8956/2020

Date :02/07/2020

TA-30/07/2020



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