

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2020

CORAM

THE HON'BLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9544 of 2020

Rajamani
W/o. Murugesan,
No.1/234, Gandhi road Manampoondi Village,
Villupuram Taluk Villupuram District. ...Petitioner/Sole Accused

Versus

The State Rep. By
Inspector of Police,
Arakandanallur Police station,
Villupuram District.
(Crime No.375 of 2020) ...Respondent/Complainant

Criminal Original Petition filed under Section 439 of Cr.P.C.
seeking to enlarge the petitioner on bail in Crime No. 375 of 2020 on
the file of Inspector of police, Arakandanallur police station,
Villupuram District.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor.

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody
on 06.06.2020 in Crime No.375 of 2020 on the file of the respondent
police for the offences punishable under Sections 312, 315, 308 & 420
of IPC r/w Section 15(3) of the Indian Medical Council Act, 1956,
seeks bail.

2.The case of the prosecution is that as per the de-facto
complainant-Dr.Alamelu, Chief resident doctor, when she had conducted
an enquiry at the Thirukovilur Government Hospital, Villupuram, she
found that the petitioner herein attempted to abort a five months old
foetus to one Sivalakshmi-victim and during such process the said
Sivalakshmi suffered severe bleeding, thereafter, the victim was
referred to the Government Hospital, Villupuram for further
treatment. On the complaint, a search was conducted to the house of
the petitioner herein, during the course of enquiry, the Chief
Medical Officer, Villupuram along with the other medical officers
found that 10 numbers of pregnancy pen kit, 1 number of syringe and 1
number of nerve injection were recovered.

3.The learned counsel for the petitioner would submit that the petitioner is a retired surgical assistant, who served in the Government Medical Department and she had been helping the Villagers and that the victim was referred to the Government Hospital having found that she was bleeding and the petitioner is innocent and she has been falsely implicated in this case. Further, he submitted that the petitioner is under the custody from 06.06.2020 and she is a Senior citizen aged about 67 years. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner retired from the Government Health Department as a staff nurse working as a surgical assistant, she attempted to abort the five months pregnancy of one Sivalakshmi-victim was admitted in critical stage in hospital and she is now discharged from the hospital. He would further submitted that without any qualification, the petitioner had treated patients in that village. Hence, he vehemently opposing for granting bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and the period of incarceration and the victim was discharged, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Thirukovilur, Villupuram, within a period of two weeks from the date of lifting of lockdown and the commencement of the Court's normal functioning failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police every day at 10.30 am., for a period of one week and thereafter, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

26/06/2020

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 JUDICIAL MAGISTRATE,
THIRUKOVILUR, VILLUPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

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

CRL OP.9544/2020

Date :26/06/2020

rd 21/07/2020