

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7010 of 2021

POOMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.
CR.NO.33 OF 2021.

For Petitioner : M/S. C.PRABAKARAN Advocate

For Respondent : M/S P.KARITIKA KAMAL, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 312, 313, 109 of IPC r/w Section 4 of the Medical Termination of Pregnancy Act, 1971 in Crime No.33 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Saranya was married to Arul and thereafter they were blessed with a girl child. Again the said Saranya got conceived and in order to know the gender of foetus, Saranya's mother Poonkudi(A1) took her to a person, who diagnosed and informed the foetus to be a female child. Thereafter, the said Poonkudi took her to a fake Doctor (A6), the petitioner herein for aborting the foetus. While aborting the foetus the said Saranya met with medical complications and thereafter she was taken away to another hospital, where she is admitted and was under treatment. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there are totally seven accused in this case and the petitioner is arrayed as A6, who was a fake doctor and had performed abortion to the victim. He further submitted that A1, the mother of the victim, along with other accused persons and without the consent of her daughter had committed this crime. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the specific over act and the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/04/2021

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 INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.4869

CRL OP.7010/2021

Date :15/04/2021

RVR 28/04/2021