

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10027 of 2021

Poomani

... Petitioner

Vs.

The State Represented by  
The Inspector of Police,  
Malliyakarai Police Station,  
Salem District.  
(Crime No.33 of 2021)

... Respondent

**Prayer:**

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.33 of 2021, on the file of the Inspector of Police, Malliyakarai Police Station, Salem.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Gopinath  
Government Advocate (CrI. Side)

**ORDER**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 312, 313, 109 of I.P.C. r/w.Section 4 of Medical Termination of Pregnancy Act, 1971 in Cr.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 one Arul and they were blessed with a girl child. Again the said Saranya got conceived and in order to know the gender of foetus, the said Saranya's mother/ A1 took her to a person, who diagnosed and informed the foetus to be a female child. Thereafter, A1 took Saranya to the petitioner herein for aborting the foetus. While aborting the foetus, Saranya met with medical complications and was taken to another hospital, where she was admitted and underwent treatment. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) submitted that there are totally seven accused in this case and the petitioner is arrayed as A7. He further submitted that the petitioner is a fake Doctor who performed abortion to the victim and further submitted that A1 along with the other accused and without the consent of the victim had committed the crime. He further submitted that earlier, the petitioner approached this Court by filing Crl.O.P.No.7010 of 2021 and this Court vide order dated 15.04.2021 dismissed the said petition.

5.Considering the fact that the petitioner is a fake Doctor who performed abortion to the victim due to which, she suffered medical complications and was taken to another hospital and was given treatment; the heinous offence committed by the petitioner that she aborted the 4-1/2 months foetus in the victim's womb and since there is no change in circumstances subsequent to the order passed in Crl.O.P.No.7010 of 2021, I am not inclined to grant bail to the petitioner.

6.Accordingly, the criminal original petition is dismissed.

-sd/-

09/06/2021

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 THE 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

CRL OP.10027/2021

Date :09/06/2021

TA-01/07/2021