

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P. No.9945 of 2021

Pugazhenth

... Petitioner

Vs.

State rep. By its
The Inspector of Police,
Malliyakarai Police Station,
Salem District.
(Crime No.33 of 2021)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.33 of 2021, on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent p-o-l-i-c-e for the alleged offences under Sections 312, 313 & 109 of I.P.C. r/w.4 of Medical Termination of Pregnancy Act, 1971, seeks anticipatory bail.

2.The case of the prosecution is that through a fake Doctor, the victim girl's pregnancy was terminated and the petitioner also abetted in the said commission of the offence.

3.However, it is the case of the petitioner that he is the sixth accused in Crime No.33 of 2021. He is no way involved in the offences as alleged by the prosecution and he is a total stranger.

4. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

5. 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 of lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Attur 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 to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Medical Officer, Salem, towards Covid Relief Fund within a fortnight from the date of receipt of a copy of this order either by way of Demand Draft (DD) or by Fund Transfer;

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/06/2021

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 JUDICIAL MAGISTRATE NO.II,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.

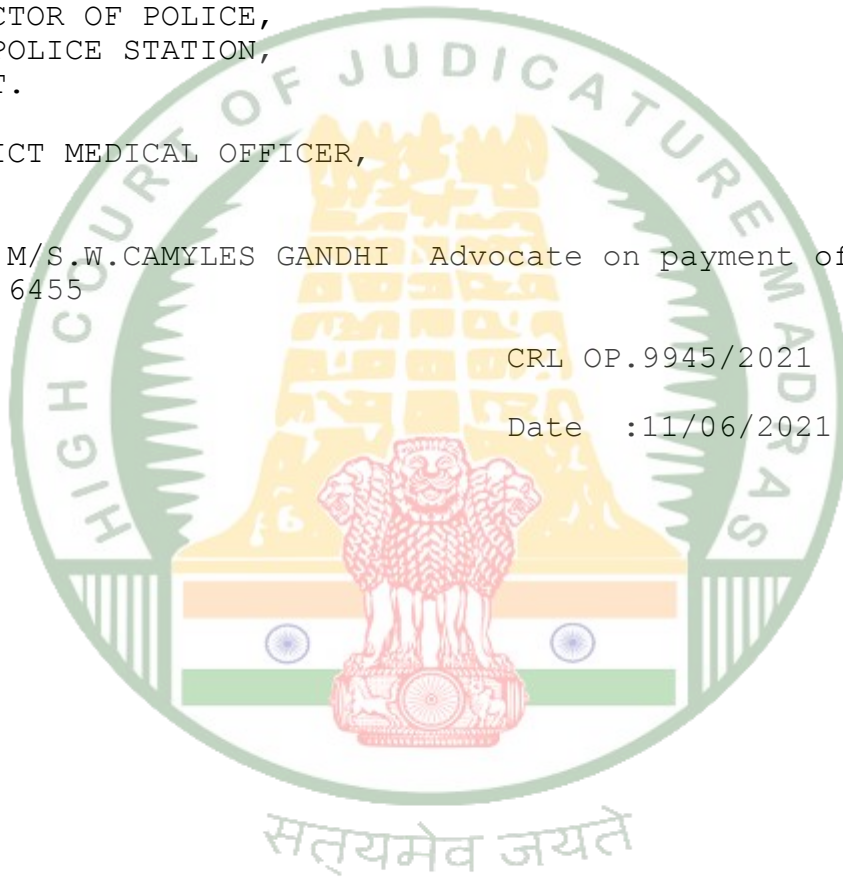
5 THE DISTRICT MEDICAL OFFICER,
SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.6455

CRL OP.9945/2021

Date :11/06/2021

TA-02/07/2021



WEB COPY