



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Seventh day of July Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.11678 of 2021

PUGAZHENTHI

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
MALLIYAKARAI, ATUR TALUK,
SALEM - 636 107.
CR.NO.33/2021.

[RESPONDENT]

For Petitioner : M/S. A.SARAVANAN Advocate

For Respondent : MR. A. GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 312, 313 and 109 of IPC R/w. Section 4 of the 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 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 for aborting the foetus. While aborting the child the said Saranya met with 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 he has been falsely implicated in this case. He further submitted that the petitioner only referred the person who can diagnose the gender of the foetus. Hence, he seeks 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 A7, who referred one Pugazhenthir. 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. He further submit that already filed a anticipatory bail application was dismissed by this Court in Crl.O.P.No.6915 of 2021 dated 15.04.2021. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the bad antecedents of the petitioner and the gravity of the offence committed by the petitioner, this Court had earlier dismissed the anticipatory bail petition and there is no change of circumstances. Hence, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/07/2021

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,
MALLIYAKARAI, ATUR TALUK,
SALEM - 636 107.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11678/2021

Date :07/07/2021