



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3257 of 2022

SUGUNA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.54 OF 2021.

For Petitioner : M/S.V.ILLANCHEZIAN Advocate

For Respondent : M/S.S.SANTHOSH, 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 for the alleged offences under sections 376, 312, 315 and 417 of Cr.P.C. of IPC in Crime No.54 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a doctor and is working in the Government Hospital, Ariyalur. She has given treatment to the defacto complainant for her premature baby at the end of 4th month. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner being Government doctor, on the request made by the mother of the victim girl, gave tablets to the victim girl. In otherwise, there is no nexus between the alleged crime and to the petitioner. Accordingly, he prays for grant of anticipatory bail to the petitioner.



4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that in the alleged occurrence, the role played by the petitioner is very limited. It is his specific submission that during the relevant point of time, the petitioner herein treated the victim girl.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 376, 312, 315 and 417 of IPC. Though, the respondent police registered a case for the above said offences, now considering the role played by the petitioner, it cannot be said the petitioner is directly participated in the alleged occurrence. Therefore, taking into consideration of all the above said aspects and the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Ariyalur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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 and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 15 days and thereafter, as and when required for investigation.

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

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



(e) 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]; and;

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

-sd/-

17/02/2022

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 ADDITIONAL MAHILA COURT,
ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR DISTRICT.

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

CRL OP.3257/2022

Date :17/02/2022

RW 22/02/2022