



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11676 of 2022

1 KUMAR
2 CHITRA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
SUB-INSPECTOR OF POLICE,
SIRUPAKKAM POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.111/2022

[RESPONDENT]

For Petitioner : M/S.N.U.PRESSANNA Advocate

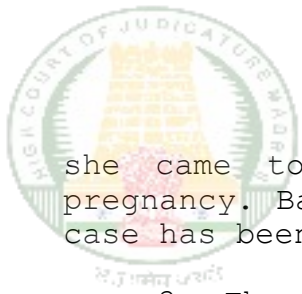
For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 312 and 420 IPC, read with Section 15(3) of Indian Medical Council Act, 1956 in Crime No.111 of 2022, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Medical Officer at Government Primary Health Center, Mangalore. On 09.05.2022, based on a secret information received by the Joint Director and his medical team, a search was conducted in the house of the accused persons and during such search, it was found that in the terrace of the said house, one Sathya wife of Dinesh was administered with some medicine for the purpose of abortion. When it was enquired by the defacto complainant, the victim girl Sathya has stated that



she came to the house of the accused persons for aborting her pregnancy. Based on the complaint given by the defacto complainant, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are an innocent persons and they have provided only medicines. They have not committed any offences as alleged by the prosecution and therefore, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the 1st petitioner is a B.Pharm degree holder and he is running the medical shop. He further submitted that no untoward incident has happened so far. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate - I, Virudhachalam on condition that each of the petitioners 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 learned Magistrate concerned and on further conditions that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and their sureties shall affix their 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;

(c) the 1st petitioner shall report before the respondent police daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent Police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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

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

-sd/-

19/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE SUB-INSPECTOR OF POLICE,
SIRUPAKKAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.U.PRESSANNA Advocate on payment of necessary charges SR.NO. 7591

CRL OP.11676/2022

Date :19/05/2022

RW-23/05/2022