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CrI.O.P.No.20103 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316, 420, 304(2) IPC and Section 15(3) of Indian Medical Council Act, in Crime No.38 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter one Selvi, conceived third time and the doctor examined the foetus and the foetus growth is unwell, the doctor advised to go for further treatment to JIPMER hospital Pondicherry. Subsequently, the A1 and A2 approached the deceased and they will abort the child with minimum cost and doing abortion at A1 medical. Due to improper abortion and loss of heavy blood, the defacto complainant's daughter died. Hence the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he is no way connected with the alleged offence. He further submitted that the petitioner is a driver, who only pick-up and drop the nurse. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted the petitioner along with other accused illegally done treatment to the defacto complainant's daughter. Due to which, she died. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are three accused in this case in which, the petitioner is arrayed as A3. The victim, on the advice of the petitioner, who is being medical shop owner with the help of other accused aborted her pregnancy. Due to wrong abortion, since they are not qualified persons, the victim died. Further, A1 and A2 was arrested. In so far, the petitioner is concerned, he is the medical shop owner, only on his advice they went for abortion. Therefore, custodial interrogation of the petitioner



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is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the criminal original petition is dismissed.

25.08.2022

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