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Crl.O.P.No.22932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22932 of 2022

Vadivel

... Petitioner

Vs.

State Rep by,
Sub Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
(Cr.No.118/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail relating to Crime No.118 of 2022 on
the file of the respondent police.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2022 for the offences punishable under Sections 419, 420 of Indian Penal Code read with Section 15(3) of Indian Medical Council Act and Section 22(3) of Pre Conception and Pre Diagnostic Techniques and Amendment Act, 2003, in Crime No.118 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner without qualifications was running a scan centre and had helped the pregnant women to determine the sex of the foetus and thereby helped them in conducting abortion.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is running a medical store in name of M/s. Om Sakthi Medicals and he has not conducted any sex determination. Hence, he seeks for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner under the guise of running a medical shop without qualifications running a scan center and had helped the pregnant women to determine the sex of the foetus so as to enable the pregnant women to undergo abortion. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Kallakurichi**, and on further conditions that:



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[a] 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;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]*;

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

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To

1. The Judicial Magistrate-I,
Kallakurichi.
2. Sub Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
3. Sub-Jail,
kallakurichi
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

Sma

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