



Crl.O.P.No.25269 of 2022

Crl.O.P.No.25269 of 2022

WEB C **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 had conceived for the third time and the doctor examined the foetus and the foetus growth was unwell. Therefore, the doctor advised to go for further treatment to JIPMER hospital Pondicherry. Subsequently, A1 and A2 approached A3, to do abortion for the deceased. Due to improper abortion, there was heavy loss of blood and thereafter the defacto complainant's daughter died. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court on 25.08.2022, in Crl.O.P.No.20103 of 2022. He also



CrI.O.P.No.25269 of 2022

submitted that A1 and A2 were already arrested and detained under goondas.

Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the accused persons have done illegal 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 totally three accused in which, the petitioner is arrayed as A3. Even according to the case of the prosecution, A2 was working under A1 and he engaged A2 along with A1 to do abortion, due to which, the victim died. Though, this Court dismissed the earlier petition filed by the petitioner, the respondent failed to secure the petitioner so far. Therefore, no purpose would be served if the anticipatory bail petition filed by the petitioner is kept pending. The investigation is also pending.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.25269 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kallakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties** each 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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., and 05.30 p.m, for a period of two weeks and thereafter as and when required for interrogation.

[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.



CrI.O.P.No.25269 of 2022

WEB C

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

18.10.2022

mn



WEB COPY



CrI.O.P.No.25269 of 2022

G.K.ILANTHIRAIYAN, J.

mn

CrI.O.P.No.25269 of 2022

18.10.2022