



CrI.O.P.No. 1405 of 2023

WEB COPY

CrI.O.P.No. 1405 of 2023

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 20.11.2022 for the alleged offence under Section 174 Cr.P.C. And subsequently it was altered into Sec.304 (ii) of I.P.C. and Sections 5(2) and 5(3) of Medical Termination of Pregnancy Act in Crime No.631 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1, who is running a medical shop, said to have treated the victim girl by giving wrong prescription of medicine and done abortion to victim, resulting in which, she died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the third petition seeking for bail before this court. He would submit that there is no specific overtact attributed against the petitioner and he is an innocent



CrI.O.P.No. 1405 of 2023

WEB COPY

person and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration from 20.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are 4 accused involved in this case and he is arrayed as A2 and this is the third petition seeking for bail. He would submit that he is running a medical shop, in which, he has done abortion to the victim by giving wrong prescription, thereby she died and he is having two previous case similar in nature. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No. 1405 of 2023

WEB COPY

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, he is owner of medical shop and by giving wrong prescription and doing abortion, victim died and he is having previous case similar in nature and also the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation and there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

24.01.2023

rpp



WEB COPY



Crl.O.P.No. 1405 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 1405 of 2023

24.01.2023