



Crl.O.P.No.18737 of 2024

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 23(1) of PCPNDT Act, 1994 and Section 25 of PCPNDT Act, 1994, Section 3 of MTP Act, 1971, Section 4 of MTP Act, 1971 in Crime No.173 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein arrayed as A1 in this case. The allegation against the petitioner who is working as a nurse in Government Hospital at Pennagaram, Dharmapuri is that she scans for the pregnant women and will disclosed the sex of the foetus to the concerned person. It is also alleged that she has scanning device at her house and A2/driver will assist her for doing the said job. Hence, this petition.

3. The learned counsel for the petitioner would contend that the petitioner is a innocent person and a false case has been foisted against her. He would further submit that the petitioner is no way connected with the said occurrence.



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4.The learned Government advocate(Crl.Side) would submit that disclosing the sex of the foetus to the mother is a punishable one and the said act is being banned by the Government. He further submitted that there is no previous case as against the petitioner. However, he objected to grant anticipatory bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that there is no previous case as against the petitioner and also considering the nature of work and length of service and other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate at Pennagaram** on condition that the petitioner 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



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concerned and on further condition that:

WEB COPY [a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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].

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

14.08.2024

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