



Crl.O.P.No.20665 of 2024

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P.DHANABAL, J.

The petitioners apprehend arrest for the alleged offences under Section 319, 318 of B.N.S. 2023 r/w 15(3) of Indian Medical Council Act, 1956 in Crime No.83 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that one C. Balasubramaniam, who is working as medical officer in Polakkode Government Hospital came to the respondent police and given complaint stating that he received a information through District Collector on 12.08.2024 that scanning was doing illegally in Dhanalakshmi Hotel Palakkode Singary Road, Dharmapuri, ascertaining the sex of the child whether male or female. Based on that information, he along with medical team inspected the said hotel. At that time one K.Karpagam taking scan and she ascertained the sex. During inspection, the medical team seized the scan machine and secured on K.Karpagam and Vadivel and two person escaped from the scene of occurrence. Hence, the complaint.



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3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. He further submits that based on the confession of the co-accused, the petitioners were falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners are involved in the illegal scanning of ascertaining the sex of the child whether male of female and during inspection, the medical team seized the scan machine. He further submitted that the no previous case pending against the first petitioner and three previous cases pending against the second petitioner. Hence, strongly objected to grant bail to the petitioners.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and considering that there is no previous case is pending against the first



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petitioner, this Court is inclined to grant **anticipatory bail** to the first petitioner/A4 with certain conditions and considering that the second petitioner hereby is having same kind of previous cases, this Court declined to grant **anticipatory bail** to the second petitioner/A5, at this stage and the petition is dismissed as against the second petitioner/A5

6. Accordingly, the first petitioner/A4 is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***Judicial Magistrate, Palakkode*** on condition that the first petitioner/A4 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first petitioner/A4 shall report **before the respondent police on everyday at 10.00 a.m, until further orders.**

[b] the first petitioner/A4 shall not, directly or



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indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the first petitioner/A4 shall not leave India without the previous permission of the Court.

[d] the first petitioner/A4 shall not abscond either during investigation or trial.

[e] the first petitioner/A4 shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner/A4 in accordance with law as if the conditions have been imposed and the first petitioner/A4 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]***.

[g] If the first petitioner/A4 thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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