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Crl.O.P.No.22865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22865 of 2024

Vadivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
(Crime No. 83 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 83 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial
custody on 13.08.2024, for the alleged offence punishable under Sections



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319, 318 of BNS and Section 15(3) of Indian Medical Counsel Act, 1956 in Crime No. 83 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, based on the secret information to the District Collector of Dharmapuri, on 12.08.2024, at about 8.40 p.m, the defacto complainant and his officials conducted a raid at Dhanalakshmi Hotel on Seengeri Junction Road, Palacode. At that time, they found that the accused persons were illegally scanning to ascertain the sex of the individuals. During the inspection, the medical team seized the scanning machine, and two persons escaped from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the co-accused/A4 and A6 were released on bail by this Court. He further submits that based on the confession of A1, this petitioner was arrayed as an accused. He would further submit that the petitioner was arrested and is in judicial custody for more than 35 days and is ready to abide



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by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally six accused in this case and the petitioner herein is arrayed as A2. He further submits that based on the information given by the District Collector, on the date of the alleged occurrence, he along with medical team inspected the Dhanalakshmi hotel, and they found that the scanning was doing illegally to ascertain the sex of the individuals. He further submitted that the petitioner has no previous case, pending against him. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, and considering that the petitioner was arrayed as accused based on the confession of co-accused, and co-accused were also released on bail, and considering the period of incarceration undergone by the petitioner, and the petitioner has no previous



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case, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Palacode, Dharmapuri, and on further conditions that:-

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or 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 to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.09.2024

drl

To

- 1.The Judicial Magistrate,
Palacode, Dharmapuri.
- 2.The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri.
- 3.The Superintendent,
Sub Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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