



Crl.O.P.No.24484 of 2024

Crl.O.P.No.24484 of 2024

WEB C **P.DHANABAL, J.**

The petitioner 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 the complainant and his officials have conducted a raid at Dhanalakshmi Hotel of Seengeri Junction Road, Palacode, the accused (A1) Karpagam had involved in pre-natal diagnose to two women with the help of scanning machine and accused (A2) was also assisted the same. During inspection, the medical team seized the scanning machine and secured one K.Karpagam and Vadivel and two persons escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that based on the confession of the co-accused, the petitioner was falsely implicated in this



CrI.O.P.No.24484 of 2024

case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is involved in illegal scanning of ascertaining the sex of the child and during the inspection, medical team seized the scanning machine. Therefore, he strongly objected to grant anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and also considering the fact that the co-accused was released on bail and though the case is pending from 12.08.2024 so far the respondent has not taken any steps to secure the accused and also considering other aspects, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



CrI.O.P.No.24484 of 2024

6. Accordingly, the petitioner 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 petitioner shall report **before the respondent police daily at 10.30 a.m, until further orders.**

[b] 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 of the Court or to any police officer.

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

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



CrI.O.P.No.24484 of 2024

[e] the petitioner 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 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]***.

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

25.10.2024

nsI



WEB COPY



Crl.O.P.No.24484 of 2024

P.DHANABAL, J.

nsI

Crl.O.P.No.24484 of 2024

25.10.2024