



Crl.O.P.No.27085 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 88, 318(2), 318(4) and 340(2) of the BNS and Section 5(2) and 4 of the Medical Termination of Pregnancy Act, 1971 in Crime No.183 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that, the District Collector, Dharmapuri, had received a secret information that one Mrs.Chitra Devi/A1 has been performing abortions illegally, regarding that a team headed by Joint Director, Health and Family Welfare Department, Dharmapuri was formed and arranged an Decoy-operation and they went to Kittampatti Village, Dharmapuri District for an inspection on 22.08.2024, at that time, they came to know that one Mrs. Arulpriya, W/o. Anand, stated that she already have two female children and third time, she became pregnant, so she and her husband decided to know the gender of the child in the womb and they went



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to Tirupathur District and two persons who were wearing mask and introduced themselves as 1.Sugumar and 2.Ranjith kumar and they done the Pre-natal Diagnostic test and informed that, the baby in the womb is a girl and hence she and her husband had decided to abort the child and contacted the first accused and paid rupees Rs.30,000/-; and that the first accused gave some tablets and thereafter Mrs.Arulpriya got aborted. Hence, the complaint.

3. Learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences under Sections 88, 318(2), 318(4) and 340(2) of the BNS and Sections 5 (2) and 4 of the Medical Termination of Pregnancy Act, 1971; that as per the prosecution case, the District Collector, Dharmapuri, had received a secret information that one Mrs.Chitra Devi/A1 has been performing abortions illegally, regarding that a team headed by Joint Director, Health and Family Welfare Department Dharmapuri was formed and arranged an Decoy operation and they went for an inspection on 22.08.2024, at that time, they came to know that one Mrs.Arulpriya, W/o Anand, stated that she already have two female children and third time, she became pregnant, so she and her



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husband decided to know the gender of the child in the womb and they went to Tirupathur District and two persons who were wearing mask and introduced themselves as 1.Sugumar and 2.Ranjith kumar and they done the Pre-natal Diagnostic test and informed that the baby in the womb is a girl, then she and her husband had decided to abort the child and contacted the first accused and paid rupees Rs.30,000/-. Following which, the first accused gave some tablets and thereafter Mrs.Arulpriya got aborted. He further submits that the co-accused was released on bail by this Court vide order dated 15.10.2024 in Crl.OP.No.25295 of 2024 and the is ready and willing to furnish substantial sureties for his due release on anticipatory bail and to abide by any conditions that may be imposed by this Court, and therefore, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side), for the respondent police would contend that the petitioner along with others have indulged in illegal activities that the petitioner is running a scan centre and he diagnosed the victim and revealed the gender of the child. and therefore, he vehemently opposed the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the nature of offence changed against the petitioner, the co-accused were already enlarged on bail, and also the fact that no previous case against the petitioner and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court, Pennagaram, Dharmapuri District** 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 concerned and on further condition that:



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[a] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days.

[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 269 B.N.S.

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Vv



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