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Crl.O.P.No.2631 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2631 of 2025

Vanitha

... Petitioner

Vs.

The State Represented by,
The Station House Officer,
Kallakurichi Police Station,
Kallakurichi.
(Crime No.86 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.86 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. N. Ranjith Kumar

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)



CrI.O.P.No.2631 of 2025

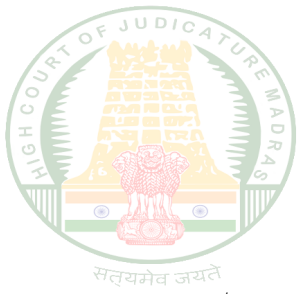
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ORDER

Petition seeking bail in respect of Crime No.86 of 2025 registered for the alleged offences punishable under Sections 318(4) and 319(2) of BNS r/w. Section 23(1) of PNDT Act, is on board for consideration.

2. The case of the prosecution is that, the defacto complainant Dr. E.Malini, who is working as a Associate Director Welfare Services Kallakurichi District received information and lodged a complaint before the respondent police stating that, one Ranjith Kumar/ A1, who is not a doctor was running a scan centre and determining the sex of the foetus; that the respondent deployed a decoy customer one Vanitha, to get an ultra sound scan and through the petitioner herein, she contacted A1, for determination of sex of the foetus; that A1 performed ultra sound scan on the decoy Vanitha, to determine the sex of the foetus, he was arrested by the respondent police. The allegation against the petitioner herein is that, she has acted as an agent for the victims. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case and has



Crl.O.P.No.2631 of 2025

WEB COPY

not committed any offence as alleged by the prosecution; that the petitioner was arrested and remanded to judicial custody on 22.01.2025; that the co-accused were already granted bail and the petitioner is also ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation, and prayed for bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail to the petitioner considering the seriousness of the offence; that the petitioner has one previous case; and that the investigation is pending.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, the submissions made by the learned counsels on either side, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the



CrI.O.P.No.2631 of 2025

purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Kallakurichi** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police everyday at 10:30 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



CrI.O.P.No.2631 of 2025

WEB COPY

[e] 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]***;

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

04.02.2025

stn

To

1. The Judicial Magistrate No.1,
Kallakurichi.
2. The Station House Officer,
Kallakurichi Police Station,
Kallakurichi.



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Crl.O.P.No.2631 of 2025

SUNDER MOHAN, J.

stn

3. The Superintendent,
Women's Sub Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.2631 of 2025

04.02.2025