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Crl.O.P.Nos.3933 & 3938 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.Nos.3933 & 3938 of 2025

Chandran

...Petitioner/Accused 2
in Crl.O.P.No.3933 of 2025

Ranjithkumar

...Petitioner/Accused 1
in Crl.O.P.No.3938 of 2025

Vs.

State through
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

(Crime No.86 of 2025)

...

Respondent in
both Petitions

COMMON PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.86 of 2025 pending investigation on the file of the respondent police.

(In both OP's)

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



COMMON ORDER

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This Criminal Original Petitions have been filed by the petitioner, who were arrested and remanded to judicial custody on 22.01.2025, seeking bail in Crime No.86 of 2025 registered for the offence under Sections 139(2) and 318(4) of BNS, 2023 and Section 23(1) of Pre-Conception and Pre-Natal Diagnostics Techniques (Prevention of Sex Selection) Act, 1994.

2.It is the case of the prosecution that the petitioners/A1 and A2, who are not doctors, in the guise of running a scan centre, were determining the sex of the fetus and committed the aforesaid offences. Hence, the case.

3.The learned counsel for the petitioner in both the petitions would submit that the petitioner is innocent and he has been falsely implicated in this case; that co-accused were already granted bail in Crl.O.P.No.2631 of 2025 on 04.02.2025. Hence, he prays for the grant of bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the case of the prosecution and submitted that there is one previous case



pending against the petitioners and that investigation is pending and that co-accused was granted bail by this Court in Crl.O.P.No.2631 of 2025.

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

6.Considering the nature of allegations, period incarceration and the fact that co-accused has been granted bail by this Court in Crl.O.P.No.2631 of 2025 dated 04.02.2025 and since further custody of the petitioners is not required for the purposes of interrogation, this Court this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, both the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No – I, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.

17.02.2025

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- 1.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
- 2.The Judicial Magistrate No – I, Kallakurichi.
- 3.Sub Jail, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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