



Crl.O.P.No.6355 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.6355 of 2025

Dr.P.Muthamizh

...Petitioner/Accused - 1

Vs.

The State Rep. by
The Inspector of Police,
Veeranam Police Station,
Salem City.
(Crime No.169 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail at
the instance of her arrest in Crime No.169 of 2025 on the file of the respondent
police station.

For Petitioner : Mr.S.John Sathyan
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



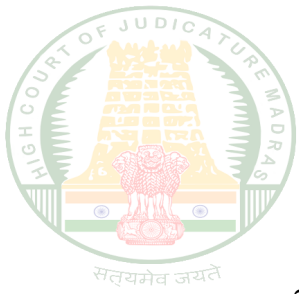
Crl.O.P.No.6355 of 2025

WEB COPY

ORDER

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 49 of the Bharatiya Nyaya Sanhita (BNS), 2023 (Section 109 of IPC) Section 23(1) of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994, in Crime No.169 of 2025 on the file of the respondent police, seeks anticipatory bail.

2 (a). The case of the prosecution is that the *de-facto* complainant is the Chief Medical Officer at the Government Hospital, Vazhapadi, Salem District; that as per the direction of the District Collector, Krishnagiri, a team of two Doctors on the leadership of the District Welfare Officer, Krishnagiri, to inspect the violations against the PCPNDT Act at Tirupathur District, they conducted inspection at Pasupathi Scan Centre; that on the information, in the said Scan Centre, the gender of the foetus was determined by receiving a consideration of Rs.15,000/- (Rupees Fifteen Thousand only) to Rs.30,000/- (Rupees Thirty Thousand only) per head.



Crl.O.P.No.6355 of 2025

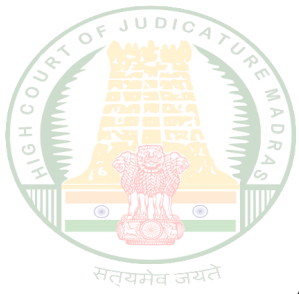
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2 (b). It is further the case of the prosecution that the *de-facto* complainant had received statements from four victims, who had allegedly paid Rs.30,000/- (Rupees Thirty Thousand only) to the scan center.

3. Mr.S.John Sathyan, the learned Senior Counsel appearing for the petitioner would submit that the allegations are false; that the entire exercise was done only to tarnish the image of the petitioner; that the scan machine does not suggest that the four victims were scanned at the center; and that in any case, the custodial interrogation of the petitioner is not required and sought anticipatory bail to the petitioner.

4(a). The learned Government Advocate (Crl.Side) for the respondent reiterated the prosecution case and submitted that the petitioner was suspended from service along with four nurses; and that a sum of Rs.4,47,000/- was found in the account of one of the nurses/A2.

(b). The learned Government Advocate (Crl.Side) further submitted that from the petitioner, no amount was recovered.



Crl.O.P.No.6355 of 2025

WEB COPY

5. The learned Senior Counsel appearing for the petitioner, in response, further submitted that there is a video taken at the scan center that would indicate that there are four witnesses who had deposed as per the direction and as required by the *de-facto* complainant and sought for anticipatory bail.

6. Admittedly, the petitioner has now been suspended from the service. No incriminating material or cash was found in possession of the petitioner. The scan machine does not suggest that the four victims had taken a scan in the said center.

7. Considering the aforesaid facts and circumstances, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, anticipatory bail is granted with certain conditions.

8. Accordingly, the petitioner/A1 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **Additional Mahila Court at Salem**, 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 respondent police or the police officer who intends to



Crl.O.P.No.6355 of 2025

arrest or to the satisfaction of the said Magistrate, on further condition 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, daily 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;

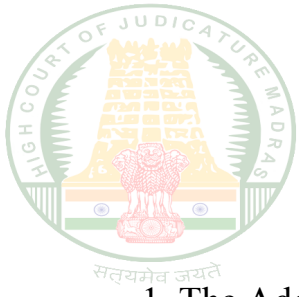
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

10.03.2025

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To



Crl.O.P.No.6355 of 2025

1. The Additional Mahila Court,
Salem.
2. The Inspector of Police,
Veeranam Police Station,
Salem City.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6355 of 2025

SUNDER MOHAN, J.
dk

Crl.O.P.No.6355 of 2025

10.03.2025