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Crl.O.P.No. 14440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRL.O.P.No. 14440 of 2025

Kanaga @ Kanagavalli

... Petitioner

Vs

The Sub Inspector of Police,
Karuppur Police Station,
Salem.

(Crime No.155 of 2025)

...Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No. 155 of 2025 pending
on the file of the respondent police.

For petitioner : Ms.Nadhiya

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

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 88 and 319
of BNS r/w section 5(2) 5(3), 5(4) of the Medical Termination of
Pregnancy Act and Section 15(3) of Indian Medical Council Act, in



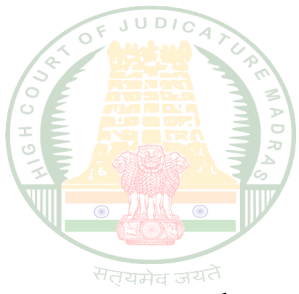
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Crime No.155 of 2025, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that, Asthampriya, a pregnant women, discovered her fetus was female through an illegal sex determination. Following this, with the advise of the petitioner/A3 and A2, she was taken to A1's house, where A2 administered abortion pills on 10.03.2025. As her health deteriorated, she was taken to a hospital on 12.03.2025 by the petitioner/A3 and her husband. The illegal abortion was later confirmed through an investigation by the Dharmapuri District Monitoring Group.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. He would also submit that she has been falsely implicated in this 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 hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is involved in a serious offence of illegal sex-selective abortion. She along with co -accused, facilitated the abortion of a female fetus. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Additional Mahila Court, Salem (FAC)** 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 arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further



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condition that:

[a] the petitioner and 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 as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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



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[(2005)AIR SCW 5560].

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

21.05.2025

nsl/stn

Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To:

1. The Sub Inspector of Police,
Karuppur Police Station,
Salem.
2. Judicial Magistrate, Additional Mahila Court,
Salem (FAC).
3. The Public Prosecutor,
Madras High Court.

N.SENTHILKUMAR, J.



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