



WEB COPY



Crl.O.P. No.15331 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.15331 of 2025

Gurumoorthi

... Petitioner/ Accused No.3

Vs.

The State Rep. By,
The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.199 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.199 of 2025, on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



Crl.O.P. No.15331 of 2025

ORDER

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(2), 49 of Bharatiya Nyaya Sanhita and Section 23(1) of Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and Sections 34, 54 of National Medical Commission Act, 2019 in Crime No.199 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, based on the instruction of the District Collector of Krishnagiri District, the defacto complainant along with her team conducted inspection to find out illegal scan Centres, charlatan and unauthorized medical practitioners around Kaveripattinam; that during inspection, they found that A2, who is running medical shop in the name and style of Sri Bala Murali Medical at Kaveripattinam along with the other accused involved in illegal scanning to reveal the gender of the fetus; that thereby, the defacto complainant by deploying a decoy mother approached A2 for scanning to reveal the gender of her fetus; that thereafter, at the time of scanning the decoy mother, on seeing the defacto complainant and her team, the petitioner and A1 fled away from the spot; and that A2 was arrested. Hence, this case.



WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; that the petitioner is working only as a car driver under A1; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is working as a car driver under A1, who was involved in disclosing the gender of the fetus by illegal scanning. He also submitted that the petitioner has no bad antecedents, however, A1 is having one previous case of similar nature; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned



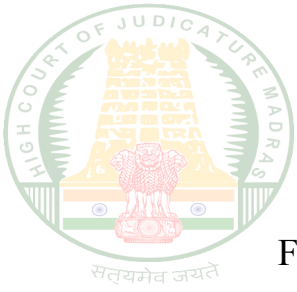
WEB COPY

counsels on either side, the fact that the petitioner has no bad antecedents and since custodial interrogation of the petitioner is not required for the purpose of investigation, 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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Krishnagiri** on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial



WEB COPY

Form No.46 annexed to 'The Criminal Rules of Practice, 2019'].

The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

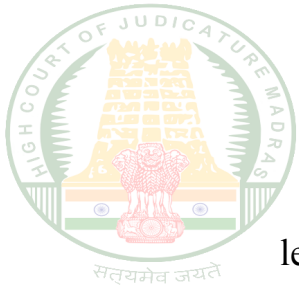
[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

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

M. NIRMAL KUMAR, J.

stn

[h] On breach of any of the aforesaid conditions, the



Crl.O.P. No.15331 of 2025

WEB COPY

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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.06.2025

stn

To

1. The Judicial Magistrate No.I, Krishnagiri.
2. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District. (Crime No.199 of 2025)
3. The Public Prosecutor, High Court of Madras.

Crl.O.P. No.15331 of 2025