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Crl.O.P.No.18268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18268 of 2025

Kanaka @ Kanakavalli

... Petitioner

Vs.

State : Rep.by,
The Inspector of Police,
Thalaivasal Police Station.
Crime No.206 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 206 of 2025 on the file of respondent Police.

For Petitioner : M/s.Gandhi Dakshinamurthy

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(2), 319(2) of BNS r/w 15(3) IMC Act & 2023, 23(1) PCPNT Act 1994 in Crime No.206 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that when the Chief Medical Officer of Athur Government Hospital, Salem District based on a confidential information conducted search at the house of one Adimoolam, it was allegedly found that petitioner and other accused persons were engaged in illegal practice of determining and disclosing the sex of fetuses to pregnant women, who were brought through brokers. Accused A1 to A3 are said to be the owners of the scanning machines, while A4 to A7, including the petitioner, are alleged to have acted as brokers. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the scanning machines owned by the accused persons were seized and A1 and A2 were released on bail. However, he opposed for grant of anticipatory bail to the

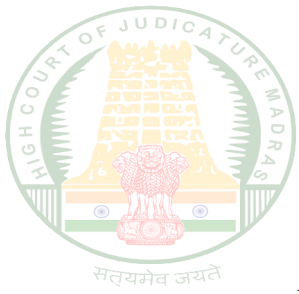


5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 IInd Judicial Magistrate, Attur, Selam District, Tamil Nadu 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 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



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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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of thirty days and thereafter as and when required;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] 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;;

[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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance



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with law as if the aforementioned 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)13 SCC 283]**;

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

08.07.2025

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To

1. The Judicial Magistrate, Attur, Selam District, Tamil Nadu
2. The Inspector of Police,
Thalaivasal Police Station.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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