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Crl.O.P.Nos.19535 & 19538 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19535 & 19538 of 2025

Settu

... Petitioner in both cases

Vs.

The State of Tamil Nadu,
Rep. by The Station House Officer,
Sankarapuram Police Station.
(Cr.No.375 of 2025)

... Respondent

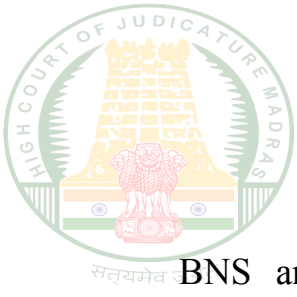
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.375 of 2025 & Crime No.376 of 2025 pending on the file of the respondent.

For Petitioner : M/s.R.Vivekananthan

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

ORDER

The petitioner , who was arrested and remanded to judicial custody on 25.06.2025 in **Crime No.375 of 2025** for the offence punishable under Sections 318(2), 91 of BNS read with Section 15(3) of IMC Act and in **Crime No. 376 of 2025** for the offences punishable under Sections 91 of



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BNS and Section 25 of PCPNDT Act, registered on the file of the
respondent, seeks bail.

2. The case of the prosecution is that the petitioner along with his wife was running a medical shop in the name of Arun Clinic at Solampattu village and they are not qualified Doctors and they are using ultra sound for determining the sex of the foetus and also received a sum of Rs.15000/- from the defacto complainant in Crime No.376 of 2025 for disclosing the sex of the foetus and also received a sum of Rs.18,000/- for aborting the foetus since it was a female child and in the meanwhile, the defacto complainant fell sick and admitted in the Government Hospital at Kallakurichi. In Crime No.376 of 2025, the Joint Director Medical and Rural Health Service, Kallakurichi along with her team went to the said Arun Medical and had seized drugs, syringe, needles and stethoscope and the petitioner was found giving treatment to the public. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further



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submitted that no incriminating materials have been seized from the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner. He further submitted that the petitioner without any qualification had given treatment and also disclosed the sex of the foetus and in case of female baby, he used to abort the same by injunction and by medicines. He further submitted that against this petitioner, similar case has been registered in the year 2019 and he has been similarly indulged in similar activities. Hence, strongly opposed for grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Principal District and Sessions Judge, Kallakurichi** and on further conditions that:

[a] 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;

[b] **the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders;**

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

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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



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the Court in this regard;

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

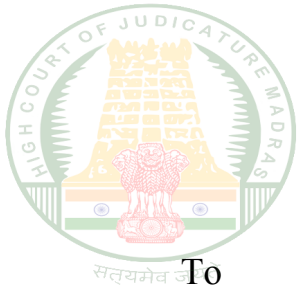
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

10.07.2025

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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 the official website of this Court will be watermarked and will also have a QR code.



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To
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- 1.Principal District and Sessions Judge,
Kallakurichi.
- 2.The Station House Officer,
Sankarapuram Police Station.
- 3.The Sub Jail, Kallakurichi
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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