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Crl.O.P.No.21442 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21442 of 2025

Dr.Karunanithi

... Petitioner/A5

Vs

The State rep by
the Inspector of Police,
All Women Police Station
Namakkal.
(Crime No.19 of 2025)

... Respondent

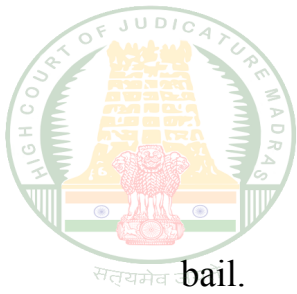
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.19 of 2025 on the file of the respondent police.

For petitioner : Mr.Kripakaran, A.

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of I.P.C., Sections 6, 5(n), 5(i) & 5(j)(ii) of POCSO Act and Sections 88 & 54 of BNS, 2023 in Crime No.19 of 2025, on the file of the respondent police, seeks anticipatory



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bail.
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2.The case of the prosecution is that the de-facto complainant is aged about 15 years. The first accused, who is the uncle of the de-facto complainant, had sexually assaulted the victim girl, thereby she became pregnant. The petitioner, Doctor by profession had aborted the 6 months foetus of the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case as if he conspired with other accused harassed the victim girl. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that penetrative sexual assault was made by A1. This petitioner/Doctor assisted A1 by aborting the victim's child. Thereafter A1 was arrested and released on bail. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned



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Government Advocate for the respondent Police and perused the materials available on record.

6. Considering the submissions made on either side, it is seen that A1, who alleged to have committed sexual assault, was arrested and released on bail. The statement under Section 164 Cr.P.C. of the victim was recorded. In this case, investigation almost completed. The petitioner is aged about 61 years. Though the petitioner initially refused to abort the child, on the compulsion of family members, he aborted the child. Hence, 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 Mahila Court, Namakkal** 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:



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[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 [(2005)AIR SCW 5560]**.

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

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To

- 1.The Mahila Court,
Namakkal.
- 2.The Inspector of Police,
All Women Police Station
Namakkal.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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