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Crl.O.P.No.27072 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-10-2025

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRL OP NO.27072 of 2025

Kavitha

... Petitioner/Accused

Vs

State rep. by,
The Inspector of Police,
Kurisilapattu Police Station,
Tirupattur District.
(Crime No.116 of 2025).

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.116 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr. V.J.Priyadarsana
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2025 for the alleged offence punishable under Sections 88, 66 of BNS and Sections 5(2) of Medical Termination of Pregnancy Act, 1971 6(a), 6(b) & 23 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prevention of Sex Selection) Act, 1994 in Crime No.116 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner ranked as A3 along with other accused conducted the “Prenatal Diagnostic Test” and found that the baby in the womb is a “female foetus” and the same was aborted by the petitioner and others by giving some medicines, after collecting huge amount. Hence the respondent police registered a case against the petitioner.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner was arrested and she is in judicial custody from 11.09.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submitted that the co-



accused/A2 was released on bail by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has one previous case pending against her. However, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel on either side and the period of incarceration undergone by the petitioner and also considering the fact that the co-accused was released on bail, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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

Judicial Magistrate No.II, Tirupattur, and on further conditions that:-

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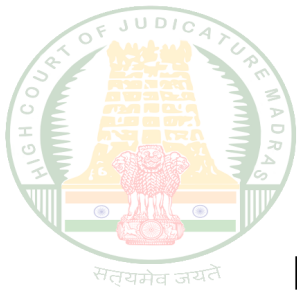
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Judicial Magistrate on every Monday to Friday at 10.30.a.m., and before the respondent police on every Saturday and Sunday at 10.30.a.m., until further orders.

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

[d] the petitioner shall not tamper with the evidence or witness 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];



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[f] If the accused thereafter absconds, a fresh FIR can be

03.10.2025

drl/rna

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 Judicial Magistrate No.II,
Tirupattur.
- 2.The Superintendent of Police,
Special Prison for women, Vellore.
3. The Inspector of Police,
Kurisilapattu Police Station,
Tirupattur District.
4. The Public Prosecutor,
High Court of Madras.



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N. SENTHILKUMAR, J.

drl / rna

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