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Crl.O.P.No.27149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.10.2025**

CORAM

THE HON'BLE MR. JUSTICE **N.SENTHILKUMAR**

Crl.O.P.No.27149 of 2025

Elaiyaraja

... Petitioner / Accused-2

-VS-

State Rep. By
The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi.
(Crime No.181 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, to enlarge the petitioner on bail in Crime No.181 of 2025, pending on the file of the respondent police.

For Petitioner : Mr.R.Vivekananthan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2025, for the alleged offences punishable under Sections 318(2), 49 of BNS, r/w 23(1) of Pre-Conception and Pre-Natal Diagnostic Techniques,



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(Prevention of Sex Selection) Act r/w 34, 54 of National Medical Commission Act, in Crime No.181 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent received information regarding unlawful identification of the gender of the Fetus by conducting scans without due qualifications or authorization from the Medical Board. The respondent police while monitoring the area went to the residence of one Poova, w/o.Thurairaj, where they encountered the petitioner and the co-accused during the act of conducting a scan on one Vaanathi, using MINDRAY (DIAGNOSTIC ULTRA SOUND SYSTEM) MODEL No. Z5 J-1002 and ULTRASONIC TRANSDUCER MODEL No.35C 50EA SN AJB611269-2016-01. It is further alleged that the accused were conducting scans and declaring the gender of the fetus and were also charging a sum of Rs.10,000/- to Rs.20,000/-. Upon enquiring the Pregnant women present there, they stated that they came to know the gender. Upon investigating A1, he stated that for transporting the instruments and bringing the Pregnant women they were using the car FORD ECO SPORT bearing Reg.No. TN 55 AM 1819 which belonged to A1. The accused 3 and 4 were acting as brokers for this operation. The scanning equipments and the car along with cash of Rs.8000/- were seized from the petitioner and all the accused were brought to the station. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the



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petitioner is an innocent person and he has been falsely implicated in this case.

He would further submit that the petitioner was arrested and he is in judicial custody from 04.09.2025 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

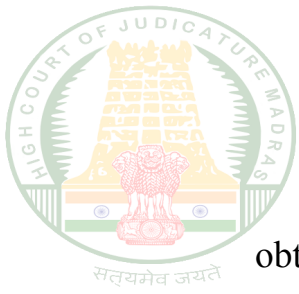
4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation is almost completed and two previous cases are pending against the petitioner. Therefore, he opposed for grant of bail to the petitioner.

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 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 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 Judicial Magistrate-II, Kallakurichi***, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

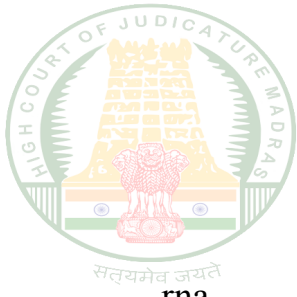
[b] the petitioner shall report before the concerned Judicial Magistrate at 10.30 a.m on every Monday to Friday and appear before the respondent police at 10.30 a.m on every Saturday and Sunday until further orders;

[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];

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



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

To

- 1.The learned Judicial Magistrate-II, Kallakurichi.
- 2.The Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi.
- 3.The Superintendent of Police,
Sub Jail, Kallakurichi.
- 4.The Public Prosecutor,
High Court of Madras.



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N.SENTHILKUMAR, J.

rna

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