



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 32819 of 2025

1. PARIMALA

2. Vadivel

Petitioner(s)

Vs

State Rep. by
The Inspector of Police, Palacode
Police Station, Dharmapuri District.
Crime No.293/2025

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime.No.293/2025 pending investigation on the file of the respondent.

For Petitioner(s): Mr.E Kannadasan



For Respondent(s): M/s.J.R.Archana
Government Advocate Crl.side

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 49, 329(3), 334(2), 115(2), 61(2)(a), 319(2) of BNS, 2023 and Section 23(1), 25 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prevention of sex Selection) Act 1994 (Under Sections 109, 447, 462, 323, 120(B), 419 of IPC, in Crime No.293 of 2025, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner/A1 is the staff nurse at Government Hospital, Palacode, joining hands with 2nd petitioner/A4 determined the sex of the foetus and facilitated miscarriages. This was witnessed by Sagunthala, a sweeper, who informed the Doctor-in-Charge, who in turn lodged a complaint after viewing CCTV footage, resulting in the arrest of A2 and A3.



3.The learned counsel for the petitioners submitted that the allegations are based on suspicion, no private individuals have been examined, and the petitioners are not having bad antecedents and sought for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) reported that totally four accused in this case and the petitioners are ranked as A1 and A4. He further submitted that A2 and A3 were arrested and the statements also revealed that the petitioners/A1 and A4 were co-operated with A2 and A3 who are the habitual offenders. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5.I have also gone through the statements and other connected records, which reveals that the petitioners were also actively participated in determination of the sex of the foetus and other consequential act. However, in this case within short time the offence committed by them was revealed and A2 and A3 were arrested and they are in judicial custody. Considering the fact that the 1st petitioner is being a lady and the main accused have already been



arrested, I am inclined to grant anticipatory bail to the petitioners subject to certain conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **J.M. Palacode**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the petitioners fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, 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 petitioners shall report before the**



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respondent police at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

01-12-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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- 1.State Rep. by
The Inspector of Police, Palacode
Police Station, Dharmapuri District.
Crime No.293/2025
- 2.The J.M. Palacode.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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