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Crl.O.P.No.35654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35654 of 2025

Thimmi Sagayamary

... Petitioner / 3rd Accused

Vs

State Rep. by
The Inspector of Police
Government Hospital Police Station
Salem District.
(Crime No.19/2025)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C., / Section 482 of B.N.S.S. praying to enlarge the petitioner on anticipatory bail in the event of the arrest in Crime No.19 of 2025 on the file of the respondent and thus render justice.

For Petitioner : Mr.J.Pradeep

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

ORDER

The petitioner / Accused No.3, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 49 of BNS r/w.23(1) of Pre-Natal Diagnostic Techniques (Regulation & Prevention of



Misuse Act) in connection with the Cr.No.19 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that the petitioner is a broker, who along with two others have involved in giving information about the sex determination of the foetus, illegally, upon receiving money from the patients. Hence, the Joint Director of Health Service, Salem, lodged a complaint.

3. The learned counsel appearing for the petitioner submitted that she is no way connected in this case and has not committed any offence as alleged by the prosecution. However, the respondent-police have falsely implicated her in the case. The learned counsel further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner had involved in the alleged offence along with other others, and all the accused were absconding. On instructions, the learned Government Advocate submitted that there is no case pending as against the petitioner. He reiterated the prosecution case and opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel and also the learned Government Advocate and also perused the materials available on record.

6. Considering the nature of offence and no previous case is pending against the petitioner and though the FIR has been registered on 12.09.2025 and the respondent-police have not secured any accused persons involved in this crime, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.III, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent-police daily at 10.30 a.m., for a period of 30 days.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;



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[c] the petitioner shall not leave India without the previous permission of the Court;

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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30.12.2025

ds/dn

Note :

- 1. Registry is directed to forthwith upload this order in the official website of this Court.*
- 2. All concerned shall act on this order being uploaded in the 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.*



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To:

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1. The Judicial Magistrate No.III,
Salem.
- 2.The Inspector of Police
Government Hospital Police Station
Salem District.
- 3.The Public Prosecutor
High Court, Madras.



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P.DHANABAL, J.,

ds/dn

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