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CRL OP No. 14237 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14237 of 2026

Gowri

..Petitioner

Vs

The State Rep. by
Inspector of Police,
Thalaivasal Police Station,
Salem District.
Crime No.169/2026

..Respondent

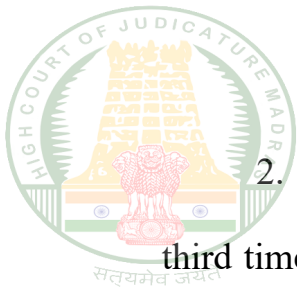
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the Petitioner pending investigation in Crime No.169/2026 on the file of the respondent police.

For Petitioner: Mr.R.Suryaprakash

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

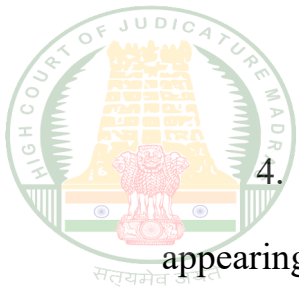
ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2026 for the alleged offences under Sections 3(5) and 91 of the Bharatiya Nyaya Sanhita, 2023 /Section 34 and 315 of the Indian Penal Code, Section 15 of the Indian Medical Council Act, 1956 and Section 23(1) of the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, in Crime No.169 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that Sobika, who was pregnant for the third time, wanted to know the gender of the fetus and approached the accused persons. It is alleged that after being informed that the fetus was female, arrangements were made for termination of the pregnancy. Thereafter, abortion tablets were administered and the fetus was aborted. Since complications arose, Sobika was shifted to various hospitals for treatment. During the course of investigation, it was alleged that a sum of Rs.1,00,000/- was paid to the present petitioner. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner was remanded to judicial custody on 20.05.2026. According to the prosecution, the allegation is that miscarriage of the fetus was caused after the gender of the fetus was identified as female. The learned counsel would submit that the allegations regarding sex determination and termination of pregnancy are mainly directed against A1 to A3. As far as the petitioner is concerned, she is only a Diploma Nursing holder and had no role in the alleged medical procedures. It is further submitted that A3 requested the petitioner only to assist in shifting the patient from Attur to Salem and except for such assistance, she had no involvement in the occurrence. Hence, he prayed for grant of bail to the petitioner.



4. The learned Counsel for Government of Tamilnadu (Crl.Side) appearing for the respondent submitted that the petitioner was involved in illegal termination of pregnancy and therefore, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. This Court is of the view that taking into consideration the submissions made on either side and the specific stand of the petitioner that she only assisted in shifting the patient and had no role in the alleged medical procedures and further considering that the petitioner has been in incarceration since 20.05.2026 and is a woman, this Court is inclined to enlarge the petitioner on bail, 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.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate No.2, Attur**, and subject to the following conditions:

[a] 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



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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation;

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

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

05-06-2026

NSL

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



To
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1. The learned Judicial Magistrate No.2, Attur.
2. Central Jail, Salem.
3. The Inspector of Police, Thalaivasal Police Station,
Salem District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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