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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31245 of 2026

CNR: {HCMA012385342026}

Sukumar

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Tholasampatti Police Station,
Salem District
Crime No.149 of 2026

..Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on bail in the event of his arrest concerned in Crime No. 149 of 2026 on the file of Respondent Police.

For Petitioner(s): Mr.S.Udayakumar

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest by the respondent police for the offences punishable under Sections 49, 54, 318(2) of BNS Act, 2023 and 23(1) of Pre-Natal Diagnostic Techniques (Regulation & Prevention of misuse) Act, in Crime No.149 of 2026 seeks anticipatory bail.

2.The case of the prosecution is that on 06.08.2026, the Joint Director of

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Health and Family Welfare, along with a medical team from Salem, conducted a search at the house of A6 (Metha Pradeepdass) and found that A1 to A7 were involved in offences under the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act. Based on the statements recorded from the pregnant women, a case was registered against the petitioner and other accused.

3.The learned counsel for the petitioner submitted that the ultrasound Sonoscape machine and other articles were seized from the premises of A6 and that the petitioner is innocent and has not committed any such offence as alleged by the defacto complainant and that he has been falsely implicated in this case. He submitted that the petitioner is implicated as an accused only on the basis of confession given by arrested accused and the petitioner is not involved in diagnosing the sex of the foetus. He further submitted that there is no previous cases pending against the petitioner. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, the learned counsel prayed for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) reported that the petitioner, along with the other accused, had taken a house on rent and was involved in the offence of conducting pre-natal diagnostic test and the scanning machine is also recovered from the premises of A6. He further submitted that

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the co-accused were arrested and also released on bail and the investigation in this case is pending. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5.This Court heard both sides and perused the materials available on record.

6. From the submission made by the learned Government Advocate (Crl.Side) the petitioner does not have any previous cases. Taking into consideration the totality of the circumstances, the fact that the occurrence is of 06.08.2026, that the investigation has substantially progressed, and that all the other accused, except this petitioner, have already been enlarged on bail, and the scanning machine is also recovered, this Court is of the view that custodial interrogation of the petitioner is not required at this stage, this Court is inclined to enlarge him on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Omalur, Salem District,*** on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only), with

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two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(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 respondent police, everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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];*** and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1.The Judicial Magistrate, Omalur, Salem District.

2.The Inspector of Police
Tholasampatti Police Station,
Salem District

3.The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

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