

(2026) 01 MAD CK 1746

In the Madras High Court

Case No : Criminal Original Petition No. 198 Of 2026

Kannan

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 08-01-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 90, 94, 194, 269

Pre Natal Diagnosis Act, 1994 — Section 23(1)

National Medical Commission Act, 2019 — Section 34(2)

Citation : (2026) 01 MAD CK 1746

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : S. SwamiSubramanian, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 10.12.2025 for the alleged offence under Sections 194 of BNS altered to Section 90,94 of BNS and Section 23(1) of Pre-Natal Diagnosis Act, 1994 and Section 34(2) of National Medical Commission Act 2019, in Crime No.156 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner he has forced the deceased who is his wife to scan and find out the baby in her womb and knowing that it was a female child committed infanticide. Due to which the deceased developed health complications and died. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner herein is having two children and since the mother also died the petitioner has to take care of the children and the petitioner is in custody from 10.12.2025 and ready to abide by any condition that may be imposed by this Court. Therefore, he prays for grant bail to the petitioner.

4. The learned Government Advocate (Crl.side) reiterated the prosecution case

and submitted that there are totally four accused in this case and A2 and A3 were assisted the petitioner to commit miscarriage and they have been detained under Act 14 of 1982 and investigation in this case is not yet completed. Hence, he opposed to grant 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, the specific overt act attributed against this petitioner and the petitioner is the husband of the deceased and he has to take care of two children and the petitioner is in judicial custody from 10.12.2025, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram , and on further conditions 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 daily at 10.30 a.m., for a period of three weeks 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 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.