



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12894 & 12909 of 2016

M.POOPANDI

... PETITIONER/ ACCUSED NO.2
IN CRL OP(MD)NO.12894/2016

S.CHITRA

... PETITIONER/ACCUSED NO.3
IN CRL OP(MD)NO.12909/2016

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
GOVERNMENT RAJAJI HOSPITAL POLICE STATION,
MADURAI.
CRIME NO.13/2016

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S T.LAJAPATHI ROY Advocate
IN BOTH THE PETITIONS

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

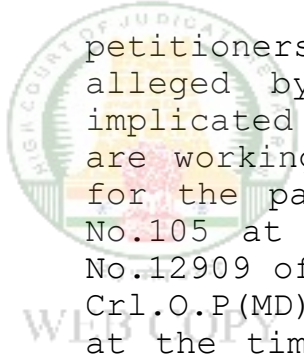
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 387 and 304(A) of IPC, in Crime No.13 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant took his son to Government Rajaji Hospital for treatment. The petitioners and other accused persons demanded a sum of Rs.300/- as bribe. But, the defacto complainant did not pay the money and therefore, the petitioners and other accused persons did not send the defacto complainant's son to Ward No.105 for taking treatment. Al left the son of the defacot complainant and dis appeared from the place with the slip of out patient. Due to the delay in giving treatment, the defacto complainant's son died. On complaint, case has been registered for the above said offences.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioners submitted that the



petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are working as Male Nursing Assistant and daily wager respectively for the past four years. and they were not present in Ward No.105 at the time of incident. The petitioner is CrI.O.P(MD). No.12909 of 2016 taken a dead body to mortuary and the petitioner in CrI.O.P(MD).No.12894 of 2016 attended his duty to assist the Doctors at the time of treatment and their duty is not taken the patient from one ward to another.

4. The learned Government Advocate (CrI. Side) filed counter and submitted that the petitioners and other accused persons demanded a sum of Rs.300/- and delayed in sending the patient to Doctors for taking treatment and due to the delay, the son of the Defacto complainant died and the investigation of the case is pending.

5. Considering the serious nature of allegations that due to non payment of money as bribe to the petitioners, there was a delay in admitting the son of the defacto complainant for taking treatment, the son died and that the petitioners played in the life of a human life who left his breath, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petitions are dismissed.

sd/-
17/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
GOVERNMENT RAJAJI HOSPITAL POLICE STATION,
MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. CC to M/S T.LAJAPATHI ROY Advocate SR.No.45289, 45288

GJM/DB/SAR-III-8.9.16-2P-6C

ORDER
IN
CRL OP(MD) No.12894 &
12909 of 2016
Date :17/08/2016