



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

Monday, the Fifth day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr. Justice A.M.BASHEER AHAMED

CRL OP(MD) No.22984 of 2016

WEB COPY

MUTHUVEL

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
IN CR.NO.388/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SUSIKUMAR, Advocate for
M.SUBASH BABU Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

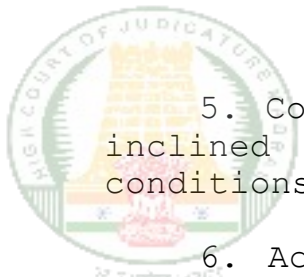
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.10.2016, for the offences punishable under Sections 147, 148, 294(b), 352, 427 and 506(ii) of IPC., r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ Sections 147, 148, 294(b), 353 and 506(ii) IPC., r/w. Section 4 of TNPDWH Act, Section 3 of TNPPDL Act and Section 48(3) of Tamilnadu Medicare Service and Medicare Service Institutions (Prevention of Violence and Damage or Loss) Property Act, in Crime No.388 of 2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2016 at about 2.40 p.m., a male aged about 20 years has been brought to the Primary Health Centre at Alanganallur and the Doctor found that the patient was died and refused to take the body in Ambulance and due to that wordy quarrel arose between the defacto complainant and others. The petitioners and others abused the Medical Officer and others with language and preventing them from doing their duty and also damaged the medical instruments.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that there is no such overt act attributed against the petitioner herein in the complaint itself.

4. The learned Government Advocate (crl.side) submitted that the petitioner is the 2nd accused. The learned Government Advocate also submitted that there are previous cases against the petitioner and he also produced a list of such cases and raised objection for grant of bail to the petitioner.



5. Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vadipatti, Madurai District, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m., until further orders, for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

05/12/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.

2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.79639