



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2952 of 2019

A.STALIN

... PETITIONER /3rd ACCUSED

Vs

THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.32/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUMALAIRAJA FOR
MR.N.PRAGALATHAN Advocate

For Respondent : MR.K.SUYABULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 353 of IPC and Section 4(1) (j) of the Tamil Nadu Prohibition Act in Crime No.32 of 2019, on the file of the respondent police.

2.It is the case of the prosecution is that the petitioner's relative admitted in the Government Hospital, Thiruvadanai, where the defacto complainant is working as duty Doctor. The petitioner and two others entered into the hospital in a drunken mood and quarrelled with the defacto complainant with regard to the treatment given to his relative and abused him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, the learned counsel for the petitioner submitted that the petitioner will donate a table, a chair and a steel rack to the Government Hospital, Thiruvadanai.

4.The learned Government Advocate (Crl. Side) appearing for the State submitted that the investigation is pending and no one is



injured.

4. Considering the facts and circumstances of this case and also considering the undertaking given by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District on condition that the petitioner shall donate one table, one chair and one steel rack to the Government Hospital, Thiruvadanai, to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate concerned and on further condition that:

(a) the petitioner shall file an affidavit and proof of photos after furnishing the donation to the Government Hospital, Thiruvadanai, as stated above before the learned Judicial Magistrate, Thiruvadanai and the learned Judicial Magistrate may obtain a copy of the affidavit and his Aadhar card to ensure his identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.3794

ORDER

IN

CRL OP (MD) No.2952 of 2019

Date :26/02/2019

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AE/JC/SAR-IV/04.03.2019/3P/6C