



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.476 of 2019

M.ALAGUDURAI

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT
Crime No.324/2018

... RESPONDENT / COMPLAINANT

GOMATHI SAMY

...INTERVENER PETITIONER/
DEFACTO COMPLAINANT

For Petitioner : Mr.B.KARUPPASAMY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervener :Mr.M.SANKAR Advocate

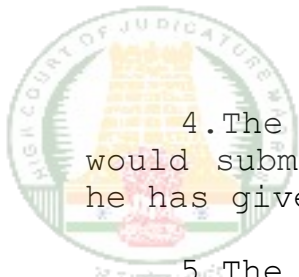
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 17.12.2018 for the offences punishable under Section 304(2) of IPC, in Crime No.324 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner claiming himself as the Native Vaithiyar and on 13.12.208 this petitioner has given treatment to the deceased/wife of the defacto complainant, who was suffered from Piles problem and caused death to her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.



4. The learned counsel appearing for the defacto complainant would submit that the petitioner is not a medical practitioner and he has given a wrong treatment to the deceased.

5. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the investigation is going on.

6. Considering the facts and circumstances of the case and also considering the fact that admittedly the deceased had knowing that the petitioner is a native doctor and she had gone to his house and taking treatment and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate, Alangulam, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[c] the petitioner shall not tamper with evidence or witness 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION, TIRUNELVELI DISTRICT

4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.B.KARUPPASAMY Advocate SR.No.1264

ORDER

IN

CRL OP (MD) No.476 of 2019

Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C