

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6436 of 2020

1.Madhu

2.Suresh @ Suresh Babu

... Petitioners

..Vs..

State rep. by its

The Station House Officer

D-1, Tiruttani Police Station

Thiruvallur District

(Crime No.187 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, seeking to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.187 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/Accused No.2 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 341 & 506 (ii) IPC, 1860 r/w Section 4 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008 in Crime No.187 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons questioned the hospital authorities after a patient who was treated in the hospital died. There was a wordy quarrel between the accused persons and the hospital authorities.

3.The learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor on instructions submitted that there are 11 accused persons in this case and the petitioners are ranked A2 and A3. He further submitted that there are no previous cases pending against the petitioners.

5.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearances, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruttani, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TIRUTTANI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

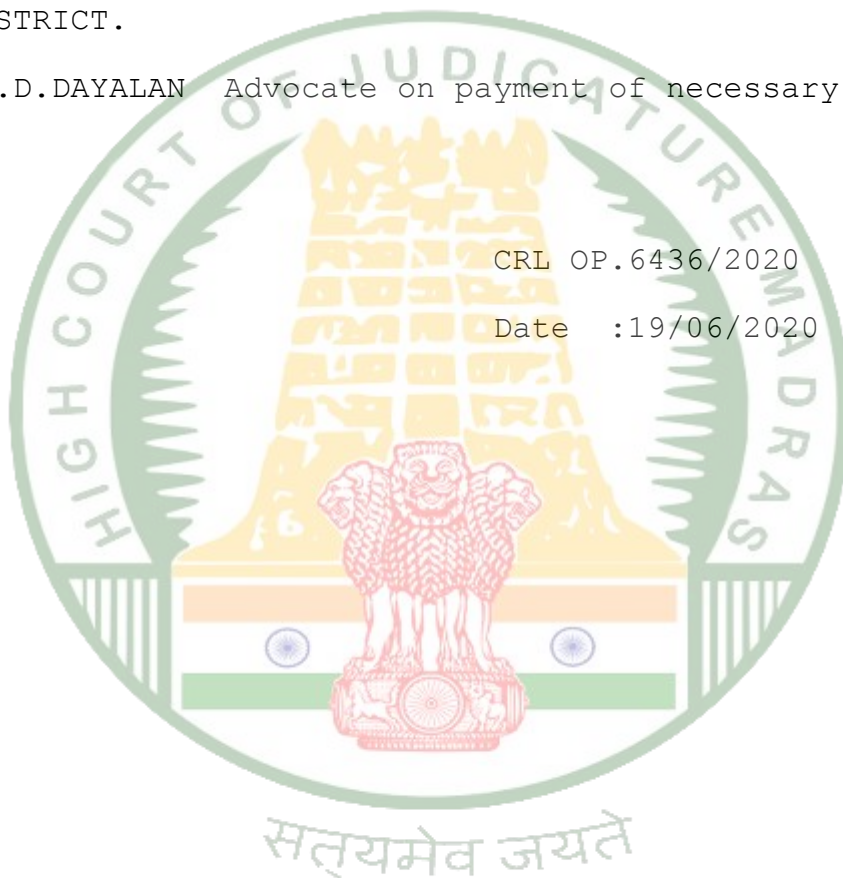
3 THE STATION HOUSE OF OFFICER
D-1 TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.D.DAYALAN Advocate on payment of necessary charges

CRL OP.6436/2020

Date :19/06/2020

cs 17/08/2020



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