

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7759 of 2020

Samuraj Alias Gurusev,
S/o. Arumugam,
No.2/559, Ennadhi Semmanadapatti,
Periyapatti,
Salem District.

.. Petitioner/ Accused

Vs.

The State rep. by its
The Inspector of Police,
Omalur Police Station,
Salem District.

[Crime No. 773 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Ms. S. Deepika

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 294(b), 353, 506(i) of I.P.C., read with Section 3(2)(1) of the Epidemic Diseases (Amendment) Ordinance 2020, in Crime No. 773 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, on 26.04.2020, at about 11.00 p.m., the petitioner went to the Government Hospital, Omalur for treatment to his toothache without wearing face mask. The duty Doctor and Nurse, who treated the petitioner advised him to wear the mask while coming out from house. Again at 11.30 p.m., the petitioner came to the Hospital, abused the duty Doctor as well as the Nurses and other employees of the Hospital in filthy language and threatened them with dire consequences. On complaint by the Chief Medical Officer, a case has been registered under Sections 294(b), 353, 506(i) of I.P.C., read with Section 3(2)(1) of the Epidemic Diseases (Amendment) Ordinance, 2020.

3. The learned counsel appearing for the petitioner submitted that when the petitioner went to the Hospital for treatment to his toothache, no Doctor was present and the petitioner insisted for presence of Physician and Chief Medical Officer. The duty Doctor came late and there was a wordy quarrel between the petitioner and the Duty Doctor. Due to the same, they gave false complaint. The petitioner is innocent and he has not committed any offence. The petitioner is a Union Councillor in District Panchayat, he has to take care of his family and prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that during the lock down period due to COVID-19, all the persons were advised to wear face mask. The petitioner without wearing mask, went to the Government Hospital, Omalur for treatment for his toothache. After treatment, the duty Doctor and Hospital staffs advised the petitioner to wear mask. The petitioner abused them in filthy language and threatened them with dire consequences. The Doctors Union have demanded for arrest of the petitioner and decided to go for

boycott and vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. During the lock down due to COVID - 19 pandemic, the Doctors and other staffs in health department are working to contain the spread of Corona Virus. During that time, the petitioner has abused the Doctors as well as the Nursing staffs and other Hospital employees in filthy language and threatened them with dire consequences. In order to prevent the spread of Corona Virus, many of the Doctors, Nurses and other Hospital staffs are staying in the Hospital itself for weeks together and some of them for months together, to attend the patients for 24 hours, even without seeing their family members. When such is the dedicated work of the health officials during this pandemic situation, the act of the petitioner abusing the Doctor, Nurses and other employees of the Hospital has to be deprecated.

7. Considering the serious nature of offence alleged against the petitioner and the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

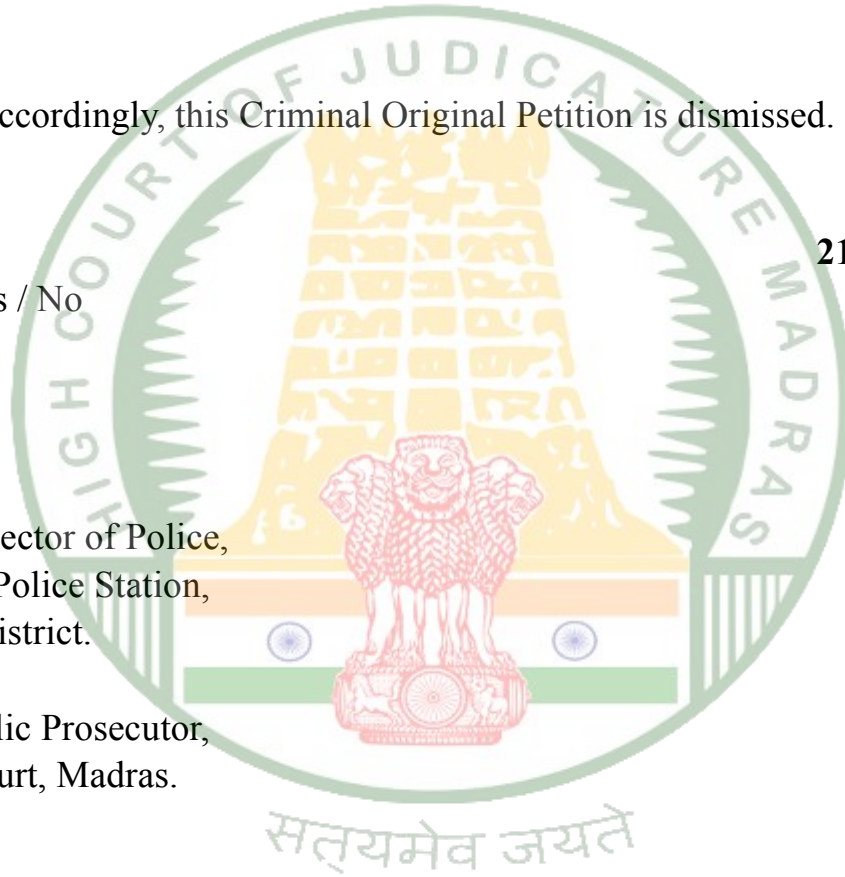
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Index : Yes / No
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To

1.The Inspector of Police,
Omalur Police Station,
Salem District.

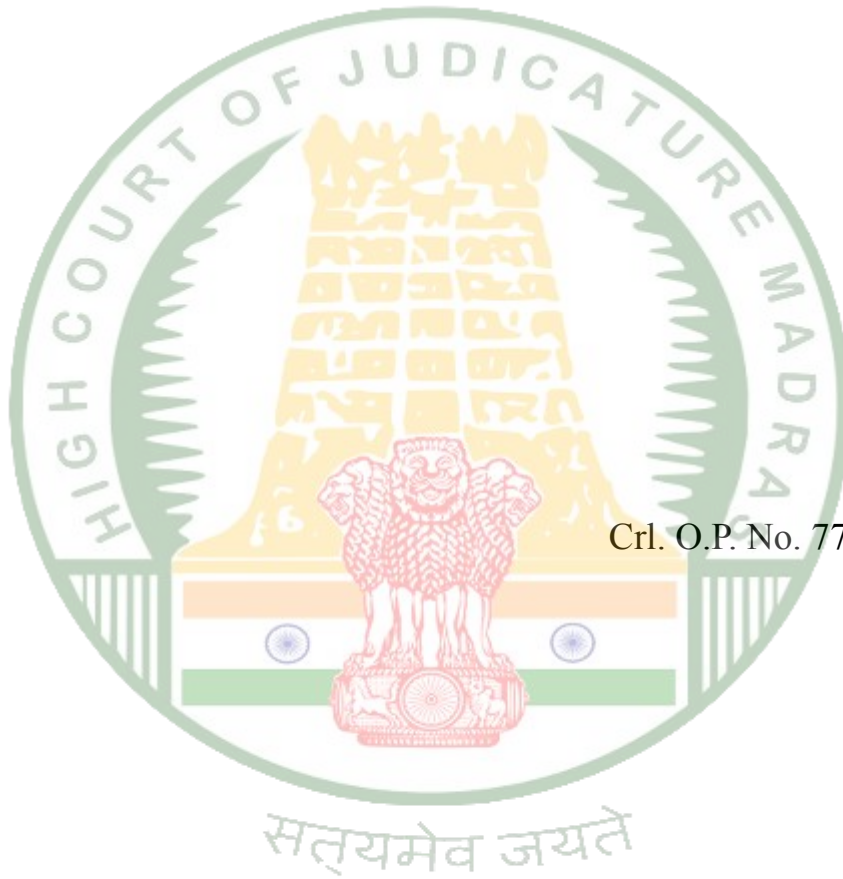
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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