

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9317 of 2020

in Crime No. 704 of 2020

K.Farida

... Petitioner

Vs.

State Rep by.

The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District...

... Respondent

Prayer: This Criminal Original Petition has been filed under Section 439 of the Code Criminal Proceedure to enlarge the petitioner on bail in Crime No.704 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor.

ORDER

(This case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.06.2020 by the respondent police in Crime No.704 of 2020 for the offences punishable under Sections 174 of Cr.P.C.@ 304(ii) IPC and 15 of IMC Act 1957, seeks bail.

2. The case of the prosecution is that the husband of the petitioner is running a medical shop and that on 06.06.2020, one minor girl had come to the medical shop to purchase medicine for headache. The further case of the prosecution is that the petitioner who is not a qualified person, on the instruction of her husband through telephone, administered two injections to the victim. It has resulted in medicine complication, due to which the victim suffered cardiac arrest and died.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He further submitted that the petitioner's husband is running a medical shop. The petitioner had not administered any injection or medicine to the victim and that the petitioner is in custody from 08.06.2020 and major part of the investigation is over. He would also submit that without prejudice to the contentions and defence of the

petitioner, she is prepared to pay an amount of Rs.50,000/- either to the de-facto complainant or to the parents of the victim Mona.

4 The learned Additional Public Prosecutor would submit that the petitioner is not a qualified practitioner and on the instruction of her husband she had administered two injections to the victim and due to the complication of medicine, the victim died. He further submitted that Al, the petitioner's husband is absconding and investigation is pending.

5 Considering the facts and circumstances, this court is inclined to grant bail to the petitioner subject to the following conditions.

(a). Accordingly, the petitioner shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) either to the de-facto complainant or to the parents of the victim Mona and on such payment and production of proof, the petitioner is ordered to be released on bail on execution of her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release,

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Hosur, within 15 days from the date of lifting of the lockdown and the commencement of the court's normal functioning, failing which the bail granted by this court shall stand dismissed automatically,

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrare may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity,

(d) The petitioner shall report before the respondent police daily at 10.30 a.m. For a period of one week and thereafter, as and when required for interrogation.

(e) It is made clear, merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial court to deal with the case independently.

(f) The petitioner shall not commit any offences of similar nature.

(g) the petitioner shall not abscond either during investigation or trial.

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate / Trial Court is entitle to take appropriate action against the pettiioner 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.**

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

6. With the above directions, this criminal original petition is ordered.

-sd/-
02/07/2020

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-II,
HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT.[FOR INFORMATION]

3 THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL (WOMEN) JAIL, SALEM.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.9317/2020

Date :02/07/2020

GKS (RD) :07/08/2020