

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 9708 of 2020

1.Selvaraj
2.Muthu

... Petitioners

Vs

The State represented by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.789 of 2020 on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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

O R D E R

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 of IPC and Section 3 of the Medicare Service Persons & Medicare
Service Institutions (Prevention of Violence & Damage or Loss to the
Property) Act 2008 in Crime No.789 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 11.05.2020 one
Jayaraman, S/o.Madhappan was admitted in the defacto complainant's
hospital since he consumed poison and discharged on 18.05.2020. Later
he died due to Cardiac arrest. After the death, the relatives and the
petitioners ransacked the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioners would
submit that the complaint and FIR is false and hypothetical. He would
further submit that the petitioners are innocent persons and they
have been falsely implicated in this case. He would further submit
that to prove their bonafide, the petitioners are ready and willing
to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the
credit of crime No.789 of 2020. Therefore, he prays for grant of
anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are relatives of one Jayaraman, who was admitted in the hospital for consuming poison and got discharged and later he died. Hence the petitioners ransacked the hospital and assaulted a nurse. Hence, opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.789 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Krishnagiri, on condition that each petitioner shall execute a separate 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 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.789 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

-sd/-
29/06/2020

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,
NO.I, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.9708/2020

Date :29/06/2020

cs 07/08/2020

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