

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11220 of 2020

Shanmugavelan (27/M),
S/o.Vaduvaiyan,
25, Mariamman Kovil Street,
Adiramapattinam,
Pattukottai (TK), Thanjavur - 614701. Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Race Course Police Station,
Coimbatore.
(Crime No. 37 of 2019) Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to
enlarge the petitioner on bail in the event of his arrest or
surrender in Crime No. 37 of 2019 on the file of the respondent
police.

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 3
of TN Medicare Service Persons & Medicare Service Institutions
[Prevention of Violence and Damage or Loss to the Property] Act,
2008, in Crime No. 37 of 2019, on the file of the respondent police,
seeks anticipatory bail.

2 The case of the prosecution is that on 15.01.2019 at about
05.30 a.m., the PRO of GKNM Hospital phone called the defacto
complainant and informed that Mr.Vaduvaiyan who was admitted as
inpatient in Ward 9 ICCU room number 10 died, therefore, the
petitioner, on hearing the death news of his father, broke the

glass doors of the hospital by hitting with his right hand and also scolded the employees. The worth of the damage was Rs.10,000/-.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there are no bad antecedents and no previous pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is native of Thanjavur, Pattikotai and he has admitted his father in the GKNM Hospital, at Coimbatore, during the treatment, his father was passed away therefore, he got angry and caused damage to the glass panes in the hospital, which worth Rs.10,000/-. Hence, he oppose to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.III, Coimbatore (Jurisdictional Magistrate), on condition that the 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 petitioner 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 petitioner shall report before the respondent police after lifting of lock down, everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

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

[d] the petitioner 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.R. Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

8 With the above directions, this Criminal Original Petition is ordered.

-sd/-

28/07/2020

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,
NO.III, COIMBATORE [JURISDICTIONAL MAGISTRATE]

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
RACE COURSE POLICE STATION,
COIMBATORE,

CC to M/S. K.PRAGADEESH KUMAR Advocate on payment of necessary charges

CRL OP.11220/2020

Date :28/07/2020

RD 27/08/2020

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