

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.11918 of 2020

1. Parthiban
2. Guhan

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District.
Crime No.2688 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.2688 of 2020 pending on the file of the respondent Police.

For petitioners : Mr. J. Jawahar

For Respondent : Mr. M.Mohamed Riyaz
Additional Government Pleader

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i) of IPC and 3(i) of PPDL Act in Crime No.2688 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Selvamani is that on 02.07.2020 the first petitioner and his wife came to the hospital for consultation. As the medical report of the wife of the first petitioner is not favourable, the first petitioner and his brother-in-law/second petitioner got frustrated and damaged the TV and glass door of the hospital. Hence the case.

3. The learned Counsel for the petitioners would submit that the Hospital authorities instructed the first petitioner to pay fees to get admission for his wife and the first petitioner also paid the amount. Thereafter, the hospital authorities refused to provide admission to first petitioner's wife. He would further submit that the petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Government Pleader would submit that as the medical report of the wife of the first petitioner is not favourable, the first petitioner along with his brother-in-law/second petitioner broken the glass door and caused damages to the property of the hospital. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mannargudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 every day at 10.30 a.m., for a period of two weeks and thereafter every monday at 10:30 a.m until further orders.

[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 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].

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

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

-sd/-

06/08/2020

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, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. J. JAWAHAR Advocate on payment of necessary charges

CRL OP.11918/2020

Date : 06/08/2020

RVR 21/09/2020

सत्यमेव जयते
WEB COPY