

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13562 of 2020

1. Yashvanthraj
2. Senthilkumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Ambur Town Police Station,
Tirupattur District,
Crime No.1776 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.1776 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. J.Bharathiraja

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 20.08.2020 for the offences punishable under Sections 143, 294(b), 323, 353 and 506(i) IPC r/w Section 3 of TNPPDL Act r/w Section 3 of Tamil Nadu Medical Service Institution (Prevention of Violence and Damage or Loss of Property) Act 2008, in Crime No.1776 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant is that he is an attender in the Government hospital and on 19.08.2020, a five year old boy who had met with a road accident was brought to the hospital and the doctor who had checked the child had stated that he was brought dead and directed that the body of the boy should be kept for postmortem but the relatives of the boy created problem that the body of the boy should be handed over without doing postmortem and they have caused damages to the articles in the hospital and when it was questioned by the doctor, they threatened the doctor.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that no proper treatment was given to the child, due to which the child died in the hospital and when it was questioned by the petitioners, a false complaint has been given against them that they created problem in the hospital and threatened the staff of the hospital. He would further submit that they have lost the child and now they are in custody from 20.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that the child had died in a road accident and the relatives of the child threatened the doctor to give the body without doing postmortem and when it was refused by the hospital administration, they have assaulted the attender. Therefore, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and considering the period of incarceration suffered by the petitioners from 20.08.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) Thereafter, the petitioners shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Ambur, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners on their release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h)On breach of any of the aforesaid conditions, the learned Judicial 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];

(i)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/-

03/09/2020

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,
AMBUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
IRUPATTUR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, AMBUR

CC to J.BHARATHI RAJA Advocate on payment of necessary charges
SR.NO.6148

CRL OP.13562/2020

Date :03/09/2020

RVR 08/09/2020