

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

Crl.O.P.No.14264 of 2020

Ravichandiran

... Petitioner

Vs.

State by
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.C.P.Palanichamy

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was 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 Medicare Service Person and Medi service Institution (Prevention of Violence and Damage or Losses 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 to them 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 petitioner would submit that the petitioner is innocent and he has 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 relatives of the child, a false complaint has been given against them as if they created problem in the hospital and threatened the staff of the hospital. He would further submit that they have already lost the child and now they are in custody from 20.08.2020. He would further submit that the co-accused in this case have been granted bail by this Court vide order dated 03.09.2020 in Crl.O.P.No.13562 of 2020 and vide order dated 04.09.2020 in Crl.O.P.No.13711 of 2020.

4. The learned Government Advocate (Crl. Side) would submit that the child 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 petitioner.

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 petitioner from 20.08.2020 and also taking into consideration of the fact that the co-accused have been granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

(b) Thereafter, the petitioner shall **within a period of two weeks from the date of commencement of the Court's normal functioning, 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 petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.**

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

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

(g)the petitioner 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/-

14/09/2020

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 CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE JAILER, SUB JAIL, AMBUR

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION, TIRUPATHUR DISTRICT

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

CRL OP.14264/2020

Date :14/09/2020

GKS:17/09/2020