

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16852 of 2020

SANTHANAM

... Petitioner/Accused No.2

Vs.

The State Rep. By ... Respondent /Complainant
The Inspector of Police,
Koradacherry Police Station,
Thiruvarur District.
(Crime No.1484 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1484 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 294 (b), 353 and 506(ii) of IPC and in Section 3(1) of Tamil Nadu Property (Prevention of Damages and Loss) Act, in Crime No.1484 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Muthulakshmi, the Government Medical Officer, Kankoduthavanitham, is that on 04.10.2020 at about 7.00 p.m. while she was on duty along with other female staff members, the accused had come to the hospital in an inebriated condition and created ruckus and abused them in filthy language and also caused damage to the board and other items in the hospital.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since he happened to be the friend of one Ashwin / A1. He would further submit that the petitioner accompanied the said Aswin / A1, to get medicine for the father of

Aswin and during the quarrel, A1 / Aswin abused the defacto complainant and ran away from the scene of occurrence, but the petitioner, being his friend was caught and remanded to judicial custody. He would further submit that there is no previous cases pending against him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with A1 / Aswin went to the hospital seeking medicine for A1's father and when the duty doctor, the defacto complainant herein asked to bring the patient, they have created ruckus, abused the female staff members of the hospital and also caused damage to the articles belonging to the hospital to the tune of Rs.20,000/-.

5. Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the fact that the petitioner is only the friend of the main accused, 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 a 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 **learned Judicial Magistrate, Thiruvarur, Thiruvarur District**, and on further conditions that:

(b) 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;

(c) **the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.**

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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.K.Shaji vs. State of Kerala** [(2005)AIR

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
28/10/2020

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,
THIRUVARUR, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
THIRUVARUR DISTRICT.

5 THE JAILER,
SUB-JAIL, NANNILAM.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.16852/2020

Date :28/10/2020

TA-29/10/2020

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