

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17549 of 2020

1.Madhu

2.Suresh @ Suresh Babu

... Petitioners/Accused Nos.2 & 3

Vs.

The State represented by,
The Station House Officer,
D-1, Tiruttani Police Station,
Thiruvallur District.
[Crime No. 187 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.187 of 2020, on the file of the respondent police.

For Petitioners : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 341 & 506(ii) of IPC, 1860 r/w Section 3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008, in Crime No.187 of 2020, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Gandhi Mayer, is that the petitioners have abused the security of the Peacock Hospital at Tiruttani, assaulted them with deadly weapons and also caused damage to the Medical equipments there. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would submit that the relative of the petitioners was admitted in the Peacock Hospital, Tiruttani and that due to misappropriate treatment, the victim died and the hospital authority have refused to release the body by claiming money and thereby, a false complaint has been given as if they have not paid the amount and they assaulted the watchman. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the relative of the petitioners was admitted in the Peacock Hospital at Tiruttani and later died, on anger, the petitioners have abused the staff of the Hospital authority in filthy language, attacked them and also caused damage to the medical equipment. He would further submit that A1 in this case has been arrested and also enlarged on bail and that there is no previous case pending against the petitioners. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and considering the submissions made by 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 their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tiruttani, on condition that each 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 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 three 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.

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

-sd/-
09/11/2020

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,
TIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
D-1, TIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.No.7388

CRL OP.17549/2020

Date :09/11/2020

cs 23/11/2020