



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 08/09/2020

PRESENT

**The Hon'ble Mr.Justice V.BHARATHIDASAN**

**CRL OP(MD) .No.9434 of 2020**

1.Karan  
2.Barath @ Thangabarath  
3.Sujith  
4.Praveen

... Petitioners/Accused No.1 to 4

Vs

The State Rep.by,  
The Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari,  
Kanyakumari District.  
(Crime No.716 of 2020)

... Respondent/Complainant

For Petitioners: Mr.S.Palani Velayutham,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

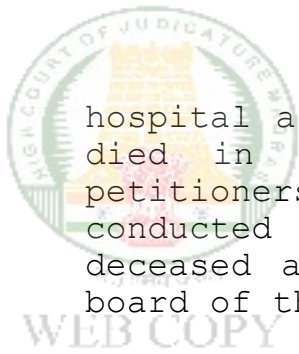
For Anticipatory Bail in Crime No.716 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 506(ii) of IPC and Section 3 of the Tamil Nadu Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to the Property) Act, 2008 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.930 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 10.08.2020 the petitioner's relative, namely, one Pavithra was admitted in the

<https://hcservices.ecourts.gov.in/hcservices/>



hospital as inpatient for delivery. Subsequently, on 11.08.2020 she died in the hospital. Based on the complaint given by the petitioners, the Joint Director of Medical and Rural Health Service conducted enquiry in the hospital. At that time, the relatives of deceased assembled in front of the hospital and damaged the name board of the hospital. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that due to the death of the deceased, the petitioners said to have damaged the name board of the hospital by throwing stones.

6. Considering the facts and circumstances of the case and also considering the fact that only out of frustration the petitioners and their relatives said to have damaged the name board of the hospital by throwing stones, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

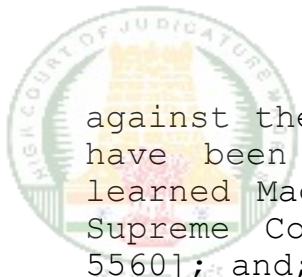
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(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 or the Additional 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]; and;

(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
08/09/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE ADDITIONAL MAHILA JUDGE, NAGERCOIL,  
KANYAKUMARI DISTRICT
- 2.THE INSPECTOR OF POLICE  
KANYAKUMARI POLICE STATION,  
KANYAKUMARI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.9434 of 2020  
Date :08/09/2020

vsd  
PK/VR/SAR-4/11.09.2020 : 3P/4C