



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18324 of 2021

MUTHULAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
UDUMALPET.
CRIME NO.1260 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED RIYAZ Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 323, 506(i) of IPC & 75 of Juvenile Justice Act 2015 in Cr.No.1260 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a doctor working in the Occupational Therapy Centre at Udumalpet where, the defacto complainant came with her son affected by autism, for taking treatment. After the treatment, the defacto complainant found some injuries in her son's body and when the same was questioned by her, the petitioner did not give proper reply to the defacto complainant. Thereby, the defacto complainant lodged a complaint against the petitioner. Based on which, the law enforcing agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the injuries are not caused by the petitioner rather caused by the treatment to the victim boy. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submits that the qualification of the petitioner has not been clearly stated and the defacto complainant wanted the doctor/petitioner to be verified for giving treatment to the autism patient as to her credentials/qualifications. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II Court, Pollachi, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

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

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

(d)the petitioner 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 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 SCW 5560]; and;



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

-sd/-

01/10/2021

WEB COPY

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,
NO.II, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
UDUMALPET.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.10905

CRL OP.18324/2021

Date :01/10/2021

RW 07/10/2021