

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.20752 of 2020

Veerapandiyan @ Veerapandi

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai,
Nagapattinam District.
Crime No.1548 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.1548 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.M.Prabavathy
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.11.2020, for the alleged offences under Sections 294 (b), 323 & 506(i) of IPC r/w 3 of Tamilnadu Medicare Service Persons and Medicare Service Institutions (Prevention and Damages or Loss to Property) Act, in Crime No.1548 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Vijayaselvan, who is the brother of the accused, consumed poison and admitted in he Government Hospital, Mayiladuthurai and subsequently, he died. Alleging that no proper treatment was given to him, the petitioner and his sister said to have assaulted the defacto complainant and others. Hence the complaint came to be registered. Totally there are two accused in this case and the petitioner is A1.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 16.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor Advocate (Crl. Side) opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is only said to have pushed the defacto complainant down and also the period of incarceration undergone by the petitioner, 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 her executing 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 Judicial Magistrate No.I, Mayiladuthurai**, and on further condition that:

[b] 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.

[c] **the petitioner shall report as and when required for interrogation.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

04/01/2021

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.I, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI,
NAGAPATTINAM.

5 THE OFFICER INCHARGE,
SUB JAIL, MAYILADUTHURAI.

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

CRL OP.20752/2020

Date :04/01/2021

TA-05/01/2021



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