



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21431 of 2021

M.PRABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT
CRIME NO. 365/2021

[RESPONDENT]

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.10.2021 for the offence under Sections 174(3) of Cr.P.C. and altered into Sections 302 and 109 of IPC, in Crime No.365 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer. The son of one A1 was suffering from Cancer and died in a mysterious circumstances. Hence, the case was initially registered under Section 174 (3) Cr.P.C. based on the complaint lodged by the Village Administrative Officer. During the course of investigation, it came to light that the son of A1 who is aged about 14 years was suffering from Cancer and A1 had spent huge



amount for his treatment. However, the ailment could not be cured. Hence, A1 asked A3 who is running a laboratory to recommend a good Doctor. In turn, A3 introduced A2 stating that he is working in a hospital and he could take his son to his hospital. Accordingly, A1 approached A2 and on seeing the condition of the son of A1, A2 gave certain medicines after which, the deceased died. Hence, the case was altered into Section 302 read with 109 IPC.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 40 days from 05.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate would strongly object stating that the petitioner is arrayed as A2 and he the relative to the deceased and he is the one who injected the deceased due to which, he died. He would further submit that the post mortem report is still awaited and that the investigation has not been not completed.

5. It is seen that the petitioner is a D.Pharmacy holder and without any proper qualification like doctor has injected the deceased and that the post mortem report is still awaited. Considering the grave nature of offence and also of the fact that the investigation has not been completed, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/11/2021

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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
KONGANAPURAM POLICE STATION,
SALEM DISTRICT.

WEB COPY

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges
SR.NO.12849

CRL OP.21431/2021

Date :16/11/2021

RW 22/11/2021