



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21789 of 2021

1.P.Ajay

2.Elangovan

... Petitioners/Accused No.1 and 2

Vs.

The State

Rep. by The Inspector of Police,

Nangavalli Police Station,

Salem District.

(Crime No.356 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners who is presently in judicial custody in Crime No.356 of 2021 on the file of the respondent police.

For Petitioners : Mr.C.Deepak Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 05.11.2021 for the offences under Sections 294(b), 332, 353, 506(ii), and Section 3 of TN Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to the property Act, 2008, in Crime No.356 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is working as a Doctor in a Government Primary Health Centre, Nangavalli. On 04.11.2021 at about 04.00 hours, when the defacto complainant was on duty in the delivery ward, the petitioners came to the hospital in two wheeler and quarrelled with the hospital staff viz. Periyasamy stating that they have to see the doctor immediately, for which the



said Periyasamy asked the petitioners to park the vehicle and to wear the mask, then enter into the hospital, the petitioners got irritated and abused the said periyasamy and while the 1st petitioner caught hold of the said Periyasamy, the 2nd petitioner attacked him with hands, when the defacto complainant and others questioned the petitioners, the petitioners threatened the said Periyasamy and others with dire consequences. Hence, the complaint.

3.Learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised strong objection stating that the petitioners have assaulted the hospital staff while he was on duty and caused injuries to him. He would further state that the investigation is almost completed.

5.Taking into consideration, the facts and circumstances of the case and also the fact that these petitioners have already suffered incarceration for more than 14 days and there are no specific overt act has been attributed against these petitioners and also considering the fact that there are no previous cases pending against these petitioner, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on his 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 learned Judicial Magistrate Court No.I, Mettur, and on further conditions that:

(a)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 Friday 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 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/-
19/11/2021

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 JUDICIAL MAGISTRATE COURT,
NO.1, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21789/2021

Date :19/11/2021

JPA 22/11/2021