



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Crl.O.P.No.22431 of 2021

M.Prabu

... Petitioner

Vs.

The State by
The Inspector of Police
Konganapuram Police Station
Salem District
(Crime No.365 of 2021)

... Respondent

PRAYER: Criminal Original Petitions has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.365 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

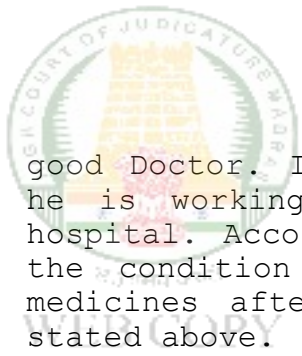
For Respondent : Mr.N.S.Sugantan
Government Advocate (Crl. Side)

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) Cr.P.C. altered into Sections 302 and 109 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 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 about Rs.10 lakhs 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 the petitioner/A2, stating that he is working in a hospital and he could take his son to his hospital. Accordingly, A1 approached the petitioner/A2 and on seeing the condition of the son of A1, the petitioner/A2 gave certain medicines after which, the deceased died. Hence, the case was as stated above.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence. The fact remains that the deceased was already seriously affected with Cancer and he had taken treatment for the same. However, it was not cured. While so, 03.07.2021, his condition became worst. The petitioner is a D.Pharmacy holder and working as a Lab Technician. Hence, the petitioner being his relative, went and saw the deceased and also saw his medical prescriptions given by the doctor and suggested them to give the medicines as suggested by the doctor. Other than that the petitioner has not committed any offence as alleged by the prosecution and somebody have created a false and imaginary story that the petitioner had given injection to the deceased and falsely implicated the petitioner in this case. He would further submit that the petitioner has been suffering incarceration for more than 50 days from 05.10.2021 and the co-accused have been granted bail by this Court in Crl.O.P.No.21599 of 2021 dated 19.11.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that the investigation is almost completed and co-accused have been granted bail by this Court.

5. Considering the facts and circumstance of the case and the fact that the investigation is almost completed and the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 Munsif cum Judicial Magistrate, Edappadi, 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 petitioner shall report before the respondent police, every Tuesday and Saturday at 10.30 a.m. until further orders.



(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/-

26/11/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S A.SARAVANAN Advocate on payment of necessary
charges SR.NO.13527

CRL OP.22431/2021

Date :26/11/2021

JPA 26/11/2021