



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.465 of 2021

Swarnalatha,
(Wrongly Mentioned in FIR as Soornalatha)
.. Petitioner/Accused No.1

Vs

The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.
Tirunelveli.
Crime No. 496 of 2020. .. Respondent/Complainant

For Petitioner : Mr.T.Lajapathi Roy,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.496 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 342, 323, 352, 427 and 506(i) IPC in Crime No.496 of 2020 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 Government Hospital, Tenkasi. The mother of the defacto complainant met with an accident and she had taken first aid in nearby hospital and thereafter, the defacto complainant taken his mother to the Government Hospital, Tenkasi and the petitioner herein was the duty Doctor and she ill-treated the mother of the defacto complainant and the defacto complainant questioned about the treatment, due to which, the petitioner abused and threatened the



defacto complainant. Hence, the present complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that the petitioner as a Doctor working without any break during the pandemic period and the defacto complainant, who has no medical knowledge, had advised the petitioner to carry out the treatment in a particular manner, which was objected by the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that investigation is pending and a counter case is also pending.

5.It is seen that the petitioner is a Doctor, working in a Government Hospital, Tenkasi. The allegation against the petitioner is that she ill-treated the defacto complainant's mother and abused them. The petitioner being a Doctor, has been working tirelessly during the pandemic period and she treated several patients.

6.Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Tenkasi District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and 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 appear 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

<https://hccourts.courts.gov.in/Kse68hes> *Govindarajan P. In/ Kse68hes* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
18/01/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, TENKASI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3.THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TIRUNELVELI DISTRICT.
TIRUNELVELI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.T.LAJAPATHI ROY, Advocate SR.No.276

ORDER
IN
CRL OP(MD) No.465 of 2021
Date :18/01/2021

GNS
PK/KV/SAR-I/21.01.2021 : 3P/6C