



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3691 of 2021

1. M.Karthik
2. D.Pakkiyaraj
3. G.Vaidishvaran
4. Veeramani
5. Raja @ Beelikan Raja

... Petitioners/Accused Nos.1 to 5

Vs

The State rep.by,
The Inspector of Police,
G.H.Police Station,
Trichy District.
(Crime No.122 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Alagu Muthu.R.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.122 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who were arrested and remanded to judicial custody on 13.02.2021 for the offences punishable under Sections 147,294(b), 448,353,427,506(i) of IPC r/w.Section 3 of Tamil Nadu Medical Service Persons and Medicare Service Institution (Prevention of Violence and Damage of loss to the property Act, 2008 on the file of the respondent police seek bail.



2.The case of the prosecution is that one Prabhu try to commit suicide and he was brought to Government Hospital for treatment where he died. Later the body was kept in the mortuary. All the petitioners herein entered into the mortuary and asked the night duty worker to give the body of the deceased when the same was refused by the hospital staff, the petitioners and other broke open the lock of the mortuary with weapon and also threatened the staff. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that due to some wordy quarrel the occurrence said to have taken place and no one sustained injuries in the said occurrence hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is the duty Medical Officer of Mahatma Gandhi Memorial Government Hospital. On the date of occurrence the petitioners herein entered into the mortuary and asked the night duty worker to give the body of the deceased when the same was refused by the hospital staff, the petitioners and other broke open the lock of the mortuary with weapon and also threatened the staff. He would also submit that no one sustained injuries in the said occurrence.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no one sustained injuries in the said occurrence and also the fact that the occurrence is said to have taken place in a wordy quarrel , this Court is inclined to grant bail to the petitioners subject to the following conditions:

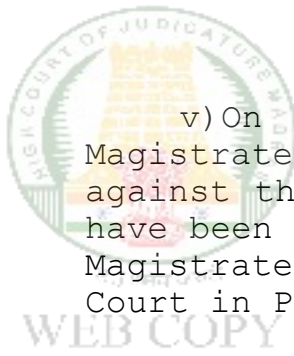
6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tiruchirapalli

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.



v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/03/2021

/ TRUE 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 NO.IV,
TIRUCHIRAPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
- 3 THE INSPECTOR OF POLICE
G.H.POLICE STATION,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3691 of 2021
Date :09/03/2021

NR/VR/SAR-II(09.03.2021) 2P:6C