



Crl.O.P.No.16642 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec. 174 Cr.P.C. altered to 304(ii), 420 I.P.C. r/w 15(3) of Indian Medical Association Act in Crime No.368 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused gave heavy dose pain killer to the defacto complainant's son. Subsequently, he was admitted in Government Hospital, Marandahalli and died. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner is ranked as A2 and he has been falsely implicated in this case and he is ready to cooperate with the investigation. He would further submit that this is the third petition seeking for anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.16642 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that the petitioner along with A1 gave false medicine to son of defcto complainant and thereafter, he succumbed to death. Hence, the complaint. He would further submit that RDO enquiry was completed and if he is released on anticipatory bail, he will abscond and tamper the witnesses. He would also submit that this is the third petition seeking for anticipatory bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, and considering the fact that the RDO enquiry was completed and further investigation is almost completed and the other accused A1 was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial



Crl.O.P.No.16642 of 2022

Magistrate, Palacode, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 stay at Salem and report before the Hasthampatti Police Station, Salem daily at 10.30 a.m. for the period of two months.

[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



Crl.O.P.No.16642 of 2022

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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.07.2022

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rpp

Crl.O.P.No.16642 of 2022

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