



Crl.O.P.No.21408 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 304, 312 r/w 201 of IPC, in Crime No.151 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was running a medical shop. It is alleged that when the *de-facto* complainant's daughter went to the shop of the petitioner for buying medicine, the petitioner suggested some medicines and after taking the medicine, the *de-facto* complainant's daughter got bleeding and subsequently died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



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4. It is seen that the petitioner is running a Medical Shop and he is also doing operation illegally without any qualification. While being so, the victim who is also a Nurse, went to the shop of the petitioner for operation. The petitioner gave some medicine to the victim due to which, she got bleeding and subsequently died. Initially the case was registered under Section 174 Cr.P.C and subsequently altered to 304, 312 and 201 of IPC.

5. The learned Additional Public Prosecutor also produced the postmortem report of the victim and it also revealed the same. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

6. Though this Court dismissed the anticipatory bail petitions of the petitioner on two occasions, the respondent police has failed to secure the petitioner. Therefore, the custodial interrogation of the petitioner doesn't required it seems.



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7. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 **Judicial Magistrate, Kunnam** 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter 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 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.

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