



Crl.O.P.No.27927 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27927 of 2022

Subramani @ Dhanush

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

(Crime No.266 of 2022)

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.266 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.10.2022, for the offences punishable under Sections 294(b), 353, 332, 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.266 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is working as an Emergency Medical Officer, Government Hospital, Krishnagiri, is that on 04.10.2022 at about 5.30 p.m., when he was giving treatment to an injured person Manikandan, the accused had entered into the room and had assaulted the staff of the hospital and also by abusing them in a filthy language and by threatening the de-facto complainant, prevented him from giving treatment and also damaged the articles belonging to the hospital. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given



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as against the petitioner. He would further submit that this is the second bail application of the petitioner and this Court, considering the nature of the offence committed by the petitioner, has dismissed the earlier bail application in Crl.O.P.No.25363 of 2022 dated 02.11.2022. He would also submit that no body was injured in this case and the petitioner has been granted bail in the earlier case. He would further submit that as of today, the value of the damaged Government Property was assessed to about Rs.6,236/- and without prejudice, the petitioner is ready and willing to deposit Rs.10,000/- in favour of the "Dean/Medical Officer, Krishnagiri Government Medical College and Hospital, Krishnagiri" towards the damages alleged to be caused by the petitioner. He would also state that the petitioner is in custody from 05.10.2022 and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with the other accused have committed a very serious offence that they have assaulted one Manikandan, in respect of which a case in Crime No.265 of 2022 has been registered by the very same respondent



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Police, and they have also followed the said Manikandan to the hospital, wherein they had assaulted the Duty Doctor and the hospital staff and also prevented the duty Doctor from giving medical aid to the injured Manikandan and also damaged the articles belongs to the hospital. He would also state that as on today, the Public Works Department has assessed the value of the damage to Rs.6,236/- and hence, he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of



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the fact that the petitioner is prepared to deposit Rs.10,000/- in favour of the "Dean/Medical Officer, Krishnagiri Government Medical College and Hospital, Krishnagiri" towards the damages alleged to be caused by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Krishnagiri**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.11.2022

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To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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