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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19059 of 2022

1. V.Nithya
2. Rajesh Fernando ... Petitioners/Accused 1 & 3

Vs

State represented by
The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
Cr.No.118/2022. ... Respondent/Complainant

For Petitioners : Mr.D.Venkatachalam
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

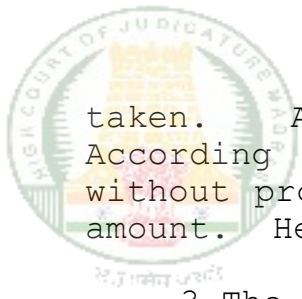
PRAYER :-

For Anticipatory Bail in Crime No.118/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of respondent police for the offence punishable under Sections 420, 465, 468, 477 IPC r/w Section 34 of IPC in Crime No.118 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.06.2021 at about 01:00 a.m, the defacto complainant took his wife with symptoms of fits and cough to the hospital run by the petitioners for treatment. After check-up, the duty doctor had informed that she was affected by Covid-19 and advised the defacto complainant to admit his wife and asked him to pay Rs.7,000/- as advance and after admission, the petitioner hospital collected Rs.24,062/- for treatment and medicines and CT scan. Thereafter, she was admitted at Government Medical College Hospital, Thoothukudi, wherein, RT-PCR test was



taken. As per the test, she was not affected by (). According to the defacto complainant, the petitioner hospital without providing proper treatment for his wife, collected the said amount. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the hospital has not collected excess amount and they collected the amount only for the treatment provided to the defacto complainant's wife. Hence, the learned counsel prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (criminal side) appearing for the respondent police would submit that in this case, three witnesses have been examined and the investigation is almost over.

5. Considering the facts and circumstances of the case and also considering the submission of the learned Government Advocate (criminal side) and also considering the fact that the investigation is almost over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, on condition that the petitioners 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 learned Magistrate concerned and on further conditions 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 petitioners shall report before the respondent police daily at 10:00 a.m until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/10/2022

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/11/2022

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

+1 CC to M/s.D.VENKATACHALAM, Advocate (SR-12221[I] dated 01/11/2022)

ORDER

IN

CRL OP(MD) No.19059 of 2022

Date : 31/10/2022

SKN

RS/VR/SAR.1 (04.11.2022) 3P-6C