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Crl.O.P.No.881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.881 of 2023

Suresh,
S/o.Nallu Gounder

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Ramanatham Police Station,
Cuddalore Dt.
(Crime No.468 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.468 of 2022 pending on the file of respondent police.

For Petitioner : Mr.K.Vijayaragavan

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022 for the alleged offence under Sections 419, 420 of I.P.C. r/w Sec.15 (3) of Indian Medical Act in Crime No.468 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.12.2022 around 05.30 p.m., when the defacto complainant went to clinic run by the petitioner, which was closed and on enquiring about Doctor, the petitioner informed that he himself give pills, thereby, she took three tablets, due to which, she fell sick and she was admitted in Government Hospital, Thittakudi, Cuddalore Dt. After enquiring her, Doctor came to know that, the petitioner, who is running a clinic said to have treated the victim girl by giving wrong prescription of medicine for abortion to victim and accordingly, Doctor of Govrenment Hospital as well as defacto complainant lodged the complaint against the petitioner.

3. The learned counsel for the petitioner submitted that he never



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running a clinic nor given any pills to victim as alleged in the F.I.R. He would submit that the Chief Doctor of Government Hospital, Tittakudi was running a private clinic and not properly coming to the hospital, for which, the petitioner gave a complaint against him. As a counter blast, Doctor gave this false complaint against this petitioner. He would also submit that as his daughter studying in medical college, her stethoscope and other medical equipments were found in his house. He would submit that there is no specific overtact attributed against the petitioner and he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 35 days from 19.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that he is the sole accused and he is having one previous case similar in nature pending against him. He would submit



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that the petitioner is running a clinic, in which, he has given pills to abort a foetus of the victim by giving wrong prescription. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thittakudi**, and on further conditions that:

(a) the sureties shall affix their photographs and Left



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Thumb Impression in the surety bond and the learned 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 daily twice in the morning at 10.30 a.m. and evening at 05.30 p.m. for period of two months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate,
Thittakudi.
2. Inspector of Police,
Ramanatham Police Station,
Cuddalore Dt.
3. The Superintendent of Prison,
Sub-Jail, Vridhachalam.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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CrI.O.P.No. 881 of 2023

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