



Crl.O.P.No.12490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

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

Crl.O.P.No.12490 of 2023

Perumal

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Brammadesam Police Station
Thiruvannamalai District
(Crime No.102 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.102 of 2023
on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under **Section 3 of Tamil Nadu Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008** in Crime No.102 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a doctor. On 11.05.2023, the petitioner who had accompanied a patient who was suffering from breathing problem, had misbehaved with her. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a mentally retarded persons and taking treatment for his nervous problem. While so, on 11.05.2023, the grandfather of the petitioner had breathing problem. Since no one was there in the house except the petitioner, the grandfather of the petitioner, had taken the petitioner to the hospital. At that time, since no proper treatment was not given, there was a quarrel between the petitioner and the defacto complainant due to which, a false complaint has been given against the petitioner as if, the petitioner



misbehaved with the doctor. He would further submit that the petitioner is suffering from mental illness and nervous problem and he had indulged in such an activity due to his illness and that the act of the petitioner is not intentional. He further submitted that the petitioner has been languishing in jail for more than one month from 11.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner who had accompanied his grandfather to the hospital, had misbehaved with a lady doctor. He further submitted that the petitioner has got one previous case of similar nature.

5. In reply, the learned counsel for the petitioner would submit that the father of the petitioner has filed an affidavit of undertaking before this Court stating that he will take care of his son/petitioner herein and he will not let his son/petitioner to go outside alone. Further he has stated that he will provide good treatment to his son's illness.



6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR and the affidavit dated 13.06.2023 filed by the father of the petitioner.

7. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the affidavit of undertaking dated 13.06.2023 filed by the father of the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Cheyyar**, and on further conditions that:

[a] 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 everyday at 10.30 a.m. for a period of one week and thereafter, every Saturday at 10.30 a.m. until further orders;

[c] the petitioner's father shall file an affidavit of undertaking before the concerned Magistrate at the time of executing the bail bond that he will take care of his son and he will not let his son to go out without escort;

[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 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Judicial Magistrate, Cheyyar.
2. The Inspector of Police,
Brammadesam Police Station
Thiruvannamalai District
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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