



Crl.O.P.No.28383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.28383 of 2023

Prabhu

...Petitioner

Vs.

The State rep.by
The Inspector of Police,
Sankari P.S,
Salem District,
(Crime No.459 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.459 of 2023 on the file of the respondent police.

For Petitioner : M/s.A.Nethra
For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner in Crime No.459 of 2023 registered by the respondent Police for the offences under Sections 353, 506 (ii) IPC r/w Section 3 of Tamil Nadu Medicare Service Persons and Medicare Institutions Prevention of Violence and Damages or Loss to the Properties Act, 2008 and remanded to judicial custody on 20.11.2023 seeks bail.



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2.It is stated that on 19.11.2023, petitioner and his friend went to the Government General Hospital to visit his friend, who had been admitted. The petitioner was under the influence of alcohol. Therefore, he started quarrelling with everybody present in the hospital and damaged few articles.

3.Taking all the factors into consideration, the period of incarceration and the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

4.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 for a like sum to the satisfaction of the **Judicial Magistrate I , Sankari**, 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, daily at 10.00 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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19.12.2023



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C.V.KARTHIKEYAN, J.

sli

To

1. The Judicial Magistrate I, Sankari.
- 2.The Inspector of Police,
Sankari P.S,
Salem District,
(Crime No.459 of 2023).
- 3.Sub Jail, Sankari.
- 4.The Public Prosecutor, Madras High Court.

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