



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.2046 of 2023

WEB COPY

Ravikumar

... Petitioner/A1

Vs

State Rep.by
The Inspector of Police,
Medical Police Station,
Tirunelveli City,
Tirunelveli District.
Crime No.2 of 2023.

... Respondent/Complainant

For Petitioner : MR.S.ARJUN, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

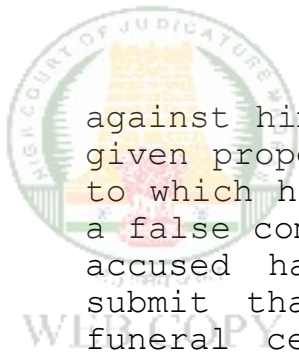
For Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 08.01.2023 for the offences punishable under Section 294 (b), 323, 324, 427, 353 and 506(i) of IPC and Section 3 of Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of violence and Damage or Loss to the property) Act, 2008 in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, Dr.Nithish Arthor, who is working as a Trainee Doctor in Tirunelveli Medical College, is that one Gurusamy, aged 65 years, was admitted in a very serious condition for treatment and despite the efforts taken by the de-facto complainant and his team, they were unable to save him and he died while during treatment. When it was informed to the relatives of the deceased, the relatives, who is the accused herein, have abused the de-facto complainant and assaulted him with the glucose stand resulting in him sustaining injury. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted



against him. He would further submit that the duty doctor at given proper treatment to the father -in-law of the petitioner, due to which he died and when it was questioned by the accused persons, a false complaint has been given, as if the petitioner and the other accused have assaulted the de-facto complainant. He would also submit that the petitioner was not even allowed to attend the funeral ceremony of his father-in-law Late Gurusamy. He would further submit that the injured has been discharged from hospital and the co-accused persons have been granted anticipatory bail by this Court on 23.01.2023 in Crl.O.P(MD) No.1206 of 2023

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner father -in-law father was admitted for treatment and he died while he was in treatment and that the petitioners along with other accused have abused the Doctor, who had given treatment and assaulted him with the glucose stand resulting in him sustaining injury. He would also submit that the injured has been discharged from hospital.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also taking note of the fact that co-accused persons have been released on bail, this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] 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 learned Judicial Magistrate No.I, Tirunelveli and on further conditions that:

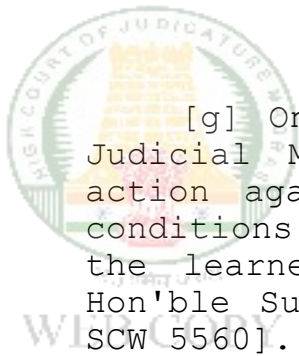
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness
<https://www.tn.gov.in/> during investigation or trial.



[g] On breach of any of the aforesaid conditions, the 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/02/2023

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02/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE, MEDICAL POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2046 of 2023

Date :02/02/2023

RS/SSS/SAR. (02.02.2023) 3P-6C