



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Tenth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2700 of 2023

Ulaganambi @ Balachandra Bose

... Petitioner/Accused-1

Vs

The State rep. by,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.61 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Christopher.C

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.61 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 3 of Tamil Nadu Medicare Service Persons & Medicare Service Institutions (Prevention of Violence & Damage of Loss to the Property) Act, 2008, in Crime No.61 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dr.Mani Mekalai is that on 21.01.2023, while she was giving treatment to a person from Kattakamanpatti, who has sustained injuries, the first accused had come there and prevented them from discharging their duties to give effective treatment. Again on 25.01.2023, three persons were injured and brought in 108 Ambulance. Out of three persons, one Karupaiyah was admitted in an inebriated



condition. At that time, the accused persons abused t h obscene words and prevented her and her medical team to give treatment, thereby, caused mental agony to them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. Even as per the complaint, there are two reference. One is relating to the offence on 21.01.2023 and another one is on 25.01.2023. However, the alleged complaint has been given belatedly on 07.02.2023. It is stated in the complaint that the petitioner has interfered in the treatment given by the defacto complainant and her team, other than that there is no specific allegation as against the petitioner. He would further submit that since the defacto complainant has not given proper treatment to the victim, the same was questioned by the petitioner, over which, a quarrel arose between them and the petitioner had informed her that he will send a complaint to her higher officials. Only as a preemption, the alleged false complaint has been registered against the petitioner. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused, accompanied with certain patients, interfered with the treatment given by the Doctor and hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and nature of offence attributed as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Nilakottai**, on condition that the petitioner 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent



Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/02/2023

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

PNM

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.CHRISTOPHER.C Advocate SR.No.7659(F)

ORDER

IN

CRL OP(MD) No.2700 of 2023

Date :10/02/2023

NA/SBN/SAR-3/16.02.2023/3P/6C

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