



CRL OP(MD) No.8497 of 2023

WEB COPY

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

Monday, the Fourteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.8497 of 2023

SIVASUBRAMANI

... PETITIONER/ ACCUSED(SINGLE)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI CITY.
(CRIME NO.234 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. GUNASEKARAN.P Advocate

For Respondent : M/S.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER: FOR BAIL IN CRIME NO.234 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Sole Accused herein, who was arrested on 07.04.2023, for the

<https://www.mhc.tn.gov.in/judis>



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alleged offence under Sections 174 of Cr.P.C., and subsequently altered to Section 419, 420, 304(2) of IPC read with section 15(3) of IMC Act, 1956, in Crime No.234 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution, as per the defacto complainant's version is that her husband namely Rajapandi was admitted in Siva Varma Clinic on 27.03.2023. The therapist namely Sivasubramani examined her husband and also giving treatment. At that time, suddenly his health condition deteriorated. He was taken to the private hospital. Thereafter, he was referred to Government Hospital. Again he was taken to Vadamalayan Hospital at 4.40 p.m. At that time he was declared to be dead on the way to the hospital. On that basis, the case has been registered. The petitioner was arrested and remanded to judicial custody.

3. When the matter was taken up for hearing on 13.07.2023, it was submitted by the learned Additional Public Prosecutor that chemical examination report is awaited. Awaiting the report, an order of interim bail was granted to the petitioner. When the matter is called today(14.08.2023), the learned Additional Public Prosecutor has produced the post mortem certificate, wherein it is seen that the deceased died due to 'Pulmonary Thromboembolism'. Whether the above said death occurred due



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to the medical negligence on the part of the petitioner or not, is a matter for consideration by the investigation officer. The reading of the post mortem certificate does not indicate that because of the negligent therapy the death occurred.

4. Considering these aspects, the interim bail granted to the petitioner, is made absolute.

sd/-
14/08/2023

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14/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI CITY.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8497 of 2023
Date :14/08/2023

RK (14/08/2023) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023