



CRL OP(MD)No.23568 of 2023

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

Date : 28.12.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD)No.23568 of 2023

Praveenkumar

... Petitioner / Sole Accused

Vs

The Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai City.
(Crime No.119 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.Poornachandran, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

PRAYER :- The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioner in Crime No.119 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



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2.The petitioner/sole accused was arrested and remanded to judicial custody on 06.12.2023 for the alleged offences punishable under Sections 341, 294(b), 353, 332, 355, 506(i) of the Indian Penal Code, 1860 (Act No.45 of 1860) and Section 3 of the Tamilnadu Medicare Service Persons & Medicare Service Institution (Prevention of Violence & Damage or Loss to the Property)Act, 2008 (Act No.48 of 2008) in Crime No.119 of 2023, on the file of the respondent police.

3.The case of the prosecution is that the defacto complainant is a practising Doctor at the Government Rajaji Hospital, Madurai; that on 05.12.2023, when he was on duty, the petitioner enquired him the way to ICU, for which, the defacto complainant did not reply and therefore, the petitioner abused and assaulted him using hands. Hence, the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 06.12.2023. Accordingly, he prayed to grant bail to the petitioner.

5.The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioner abused the duty Doctor(defacto complainant) and also assaulted him using hands. He further submitted that the petitioner has no previous case and the defacto complainant/victim was admitted in



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the hospital and discharged on 07.12.2023. He also submitted that the investigation is not yet completed and that at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the defacto complainant and the witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

6.Heard on both sides. This Court has perused the records.

7.The petitioner is a first offender and has no previous case. He has permanent residence and deep roots in the society. Hence, there is no possibility for absconding. Considering the above reason, the period of incarceration and with a view to give him one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) and furnish two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

/ TRUE COPY /

29/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate No.II,
Madurai.



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2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Government Rajaji Hospital Police Station,
Madurai City.

4.The Superintendent,
Central Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date :28/12/2023

ED/ /SAR- (29/12/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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