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CRL O.P. No.20352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20352 of 2024

Senthilkumar

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Attur Town Police Station,
Salem District.

... Respondent

[Cr. No.90 of 2024]

For Petitioner : Mr.Deepanuday

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 90 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 06.06.2024 for the offences punishable under Section 304(2) of IPC, in Crime No.90 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner is running a pharmacy. While so, on 21.03.2024, the defacto complainant took his son to the petitioner's medical shop for getting medicine for fever. After the petitioner administered injection to the boy, he sustained swelling on that place and felt pain. Thereafter, the defacto complainant brought the boy to another hospital for treatment and subsequently, the boy died. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that investigation has been completed and there is no previous case against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner, without having knowledge in the filed of medicine, has administered injection to the defacto complainant's son. He would further submit that investigation has been completed. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offence and that the investigation has been completed and also taking into consideration the number of days of incarceration undergone by the petitioner and no any previous case is pending against the petitioner, 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 **Judicial Magistrate – I, Attur, Salem District**, and on further conditions that:

[b] the Petitioner shall report before jurisdictional Judicial Magistrate, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



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[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate – I, Attur, Salem District.
- 2.The Inspector of Police,
Attur Town Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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