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Crl.O.P.No.30974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30974 of 2024

Saravanan @ Thalpathi Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore.

(Crime No.390 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.390 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.390 of 2024 registered for the offences punishable under Sections 318 and 105 of BNS, is on board for



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consideration.

2. The incarceration of the petitioner being from 24.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that this is the second application for bail filed by the petitioner before this Court and his first bail application was dismissed on 15.11.2024. He further submits that the petitioner is a registered Pharmacist and only on the request made by the de facto complainant, he had given the correct dose of the medicine to his son and also advised him to take his son to the hospital and the petitioner has not committed any offence as alleged by the prosecution. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the son of the de facto complainant died, due to the medication given by the petitioner/accused, who was a quack doctor. He further submits that the investigation is pending in this case and this is the second bail application of the petitioner

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Chief Judicial Magistrate No.II, Chidambaram**, and on further conditions that:

[a] 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 stay at Chennai and report before the Inspector of Police, K8, Arumbakkam Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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***



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[(2005)AIR SCW 5560];

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A.D.JAGADISH CHANDIRA.,J.

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

12.12.2024

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To

1. The Chief Judicial Magistrate No.II
Chidambaram.
2. The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore.
3. The Superintendent,
Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

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