

(2025) 11 MAD CK 2037

In the Madras High Court

Case No : Criminal Original Petition No. 32559 Of 2025

Devendran Rajavel And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 27-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 115(2), 121(1), 132, 269, 296(b), 329(4), 351(3)

Tamil Nadu Medicare Service Persons And Medicare Service Institutions (Prevention Of Violence And Damage Or Loss To Property) Act, 2008 — Section 3

Citation : (2025) 11 MAD CK 2037

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : J.Franklin, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioners, who were arrested and remanded to judicial custody on 21.10.2025 for the offences punishable under Sections 329(4), 296(b), 115(2), 121(1), 132, 351(3) of BNS and Section 3 of TN Medicare Service Persons & Medicare Services Institutions (Prevention of Violence & Damage or Loss to the Property) Act, 2008, in Crime No.731 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against these petitioners is that, these petitioners joining hands with other accused attacked duty Doctor while serving in the Government Hospital, alleging that no proper treatment was given to one of the patient. Hence he was arrested.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and the petitioners is in judicial custody since 21.10.2025; and that the petitioners is ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that the petitioners are not having any previous cases and investigation is pending in this case and opposed for grant of bail to the petitioners.

5. Considering the nature of the allegation that the petitioners are not having any previous cases, and considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate – II, Tiruppur, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation by the respondent police ;

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

[d] the petitioners shall not tamper with the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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