



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20227 of 2021

1 H.RAGAHV KUMAR
2 MYTHILI JAYARAMAN
3 K.JAYARAMAN
4 RAJESHWARI JAYARAMAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
MAMBALAM POLICE STATION,
CHENNAI
(CRIME NO.633/2021)

[RESPONDENT]

For Petitioner : M/S V.ELANGO VAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

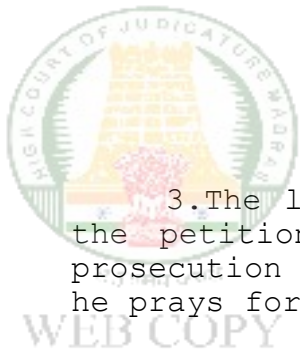
For Intervener : M/S.M.DEIVANANDAM, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 448, 341, 294(b), 427, 323 and 506(i) of IPC in Crime No.633 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.12.2020, the second petitioner was admitted in the Gunasekaran Hospital, T.Nagar on symptoms of labour pain under Dr.Manulakshmi and on 28.12.2020 at about 2.30p.m., fetal heart rate not detected and fetal demise (intrauterine death) had been occurred. At maternal request, surgery was performed to deliver the baby, due to which, the 1st petitioner and 7 others in an inebriated condition abused the doctors and nurses by using unparliamentary words and threatened them with dire consequences and also caused injuries to them. Hence, the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor submits that the petitioner and others damaged the CCTV Camera and assaulted the doctors in the said hospital. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) submits that no one had sustained any injury.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that no one had sustained any injury, this court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 1st and 3rd petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation and 2nd and 4th petitioners shall report before the respondent police as and when required for interrogation ;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Consequently, connected miscellaneous petition is closed.

-sd/-

28/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MAMBALAM POLICE STATION,
CHENNAI.

+1 CC to M/S V.ELANGO VAN Advocate on payment of necessary charges
SR.NO.11995

+2 CC to M/S.M.DEIVANANDAM, Advocate on payment of necessary
charges SR.NO.11972

CRL OP.20227/2021

Date :28/10/2021

RW 12/11/2021