



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24347 of 2021

Raahul

... Petitioner

Vs.

State rep by
The Inspector of Police
K-4, Anna Nagar Police Station,
Chennai.
Crime No.675 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioners on bail in the event of arrest in Crime No.675 of 2021 on the file of the respondent police.

For Petitioner : M/s.J.Thomas Saran Singh

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable (*)under **Section 324,506(ii) IPC altered into 324,326,307,506(ii) of IPC** in Crime No.675 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the petitioners. Due to quarrel in respect of partition of family property, the petitioners assaulted the defacto complainant with hands and scissor. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering from Cadaveric



Kidney (CKD Stage-50, Doctors was advised him to undergo a Kidney Transplantation Surgery immediately, for which, A3 mother of the petitioner asked her husband to arrange the money for medical expenses to save the petitioner's life, but, the defacto complainant refused so dispute arosed. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate raised strong objection stating that the petitioner along with his brother harassed and assaulted their own father during the quarrel in respect of partition of family property. He further submits that the petitioner's earlier anticipatory bail was dismissed by this Court in Crl.OP.No.20948 of 2021 dated 09.11.2021.

5. The learned counsel for the petitioner to prove his contentions, he has produced the Discharge Summary of the petitioner issued by the Gem Hospital, Institute of Gastroenterology and Laparoscopy, Chennai and a perusal of the same reveals that the petitioner was diagnosed with CKD Stage-5/TIDM, for which, he was admitted on 06.11.2021 and discharged on 18.11.2021, during treatment, he underwent Cadaveric Kidney Transplantation done on 06.11.2021. After four weeks, the petitioner was advised for stent removal.

6. Considering the submissions made by both counsel and also considering the fact that there was a family dispute between father and son and also the fact the petitioner had undergone a surgery, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned V Metropolitan Magistrate Court, Egmore, Chennai on condition that the petitioner shall 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 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 petitioner 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 petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

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



(d) the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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.

-sd/-

14/12/2021

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.

(*) Being mentioned as per order of this Court dated 11/01/2022 Made in Crl.O.P.NO.24347 of 2021

TO

1 THE V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K-4 ANNA NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.THOMAS SARAN SINGH Advocate on payment of necessary charges SR.NO.543

CRL OP.24347/2021

Date :14/12/2021

CSK 28/12/2021

RW 19/01/2022