



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.9174 of 2022

1 SEENIAMMAL
2 K.AMALA

[PETITIONERS / ACCUSED]

Vs

INSPECTOR OF POLICE
T-14, MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.297 OF 2022

[RESPONDENT]

For Petitioner : M/S.R.VENKATESH Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

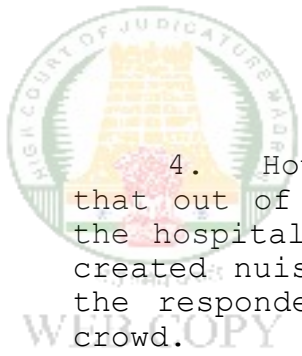
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 448, 294(b), 323 and 506(I) of IPC read with Section 3 of the Tamil Nadu Medicare Service Persons, Medicare Service Institutions (Prevention of Violence and Damage or Loss to the Property Act 2008) in Crime No.297 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are relatives of one Gunavathy had gone for treatment at the de facto complainant's hospital on 06.04.2022, since fetus got aborted alleging negligence, these petitioners and their relatives have created ruckus in the de facto complainant's hospital and intimidated the staffs and other employees with dire consequences. Hence, the case has been registered against the petitioners and other un-named persons for the offence under Sections 448, 294(b), 323 and 506(I) of IPC and Section 3 of the Tamil Nadu Medicare Service Persons, Medicare Service Institutions (Prevention of Violence and Damage or Loss to the Property Act 2008).

3. The learned counsel for the petitioners would submit that no one got injured in this case and the petitioners only questioned about the cause for abortion.



4. However, the learned Government Advocate (Crl. Side) states that out of frustration, the petitioners and their relatives went to the hospital of the nursing home of the de facto complainant and had created nuisance, soon after receipt of the telephonic information, the respondent police reached the scene of crime and disbursed the crowd.

5. Considering the above facts as narrated by the learned counsel for the petitioners and the learned Government Advocate (Crl. Side), 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 seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Sriperumputhur, on condition that each of the petitioners shall execute separate bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) , with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled 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 petitioners shall report before the Investigating Officer daily at 10.30 a.m. until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

22/04/2022

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 JUDICIAL MAGISTRATE,
NO.I, SRIPERUMPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE
T-14, MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.VENKATESH Advocate on payment of necessary charges
SR.6063

CRL OP.9174/2022

Date :22/04/2022

RVR 28/04/2022