



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10959 of 2022

LOKESHWARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
D2, ANNA SALAI POLICE STATION,
CHENNAI.

CRIME NO.111 OF 2022

For Petitioner : M/S.RAJENDRA PRASAD Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

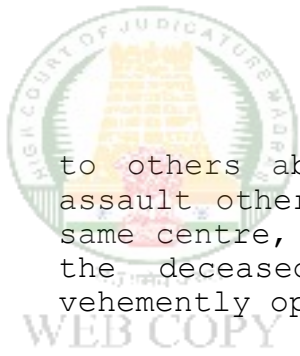
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148 and 302 I.P.C. in Crime No.111 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the complaint lodged by wife of deceased, a case has been registered in Crime No.111 of 2022 for the alleged offences under Sec.147, 148 and 302 I.P.C., alleging that the defacto complainant's husband was admitted in de-addiction centre run by the 1st accused in the name and style of M/s.Medical Care Centre, situated at Royapet, Chennai. Due to previous motive, the deceased was attacked by A1 to A6, in which, he sustained grievous injuries and died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners is an innocent person, she is only a licence holder and she has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally, there are 11 accused, in which A1 and A2 are husband and wife and both are running a de-addiction centre. The deceased has already got treatment in the centre and he was discharged from the centre. However, on presumption, the deceased ought to have informed



to others about the fact that A1 used to illustrate and also to assault other patients brutally, the deceased was re-admitted in the same centre, and A1 and other accused brutally assaulted him, thereby the deceased sustained grievous injuries and died. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances and in so far as petitioner is concerned, she is arrayed as 11th accused and the medical care centre's license stand in the name of petitioner and the same was registered vide Regn. No.4/32/2020. Except this relationship, the petitioner had not played any role in the alleged occurrence. The 1st accused, being husband of petitioner, is working in the corporation and the license was obtained in the name of petitioner to run de-addiction centre in the name and style of M/s.Medical Care centre. Even according to the case of prosecution, the petitioner was not present in the scene of occurrence and other accused persons have attacked accused brutally due to previous enmity. Therefore, the deceased sustained grievous injuries and died. As far as petitioner is concerned, she is only a license holder and as such, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned II Metropolitan Magistrate, 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, who shall be blood relatives of the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 daily at 10.30 a.m. until further orders;

[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 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 [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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 METROPOLITAN MAGISTRATE NO.2,
EGMORE, CHENNAI-08.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.-104.

4 THE INSPECTOR OF POLICE,
D2, ANNA SALAI POLICE STATION,
CHENNAI.

+1 CC to M/S.RAJENDRA PRASAD Advocate on payment of necessary charges SR.7134

CRL OP.10959/2022

Date :18/05/2022

SRG 19/05/2022