

Crl.O.P.No.30669 of 2022

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T.V.THAMILSELVI, J.

The petitioners who apprehend arrest for the alleged offence under Sections 147, 148, 506 (ii) of IPC r/w Section 120B, 147, 148, 452, 427, 294 (b), 506(ii), 386, 354(A), 201 r/w 114 of IPC and Section 4 of Tamil Nadu Prohibition Harrassment of Women Act @ 120B, 147 148, 452, 427, 294 (b) 506(ii), 386, 354 (A), 201, 177 r/w 114 of IPC and Section 4 of Tamil Nadu Prohibition of Women Act registered in Cr.No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A20 and A21. A1 was running a hospital in the name of “Elen Hospital” which was subsequently leased out in favour of “Chennai Hospital” which was managed by one Dr.Uma Shankar. Since there was dispute relating to payment of rent as well as other issues . A1 and his college doctors forcibly entered into the hospital and vacated the premises and also damaged the properties including CCTV footages and taken possession of the said premises. Hence, the law enforcing agency registered a case against the petitioners.



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

4.The learned Government Advocate (Crl side) appearing for the respondent submits that the petitioners are forcibly entered into the hospital which was in full capacity treating various patients including in patients admitted for Covid-19 infection. He further submits that the petitioners damaged the properties including CCTV footages. He would further submit that the second petitioner is having fourteen previous case. Hence, he vehemently oppose for granting anticipatory bail to the petitioners.

5. A perusal of the materials reveal that serious allegation are made only against A-1 and not against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



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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 **Judicial Magistrate, No.6, Coimbatore**, on condition that the petitioners shall execute a bond 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

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



WEB COPY (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.

23.12.2022

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To
The Judicial Magistrate, No.6,
Coimbatore.



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