



Crl.O.P.No.5724 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehends arrest for the alleged offences under Sections 147, 448, 294(b), 506(ii) of IPC and r/w.Sec.3 of Tamil Nadu Medicare Service Persons and Medicare Service Institution (Prevention of Violence & Damage or Loss to property) Act, 2007 and Section 3 of TNPPD Act in Crime No.66 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the daughter of the first petitioner was admitted in the hospital for labour pain and gave birth to a male child and thereafter she was under observation in ICU for post surgery. At that time, she had blood loss and the said Revathi was died on 04.02.2023. Thereafter, the petitioners and their relatives quarrelled with the hospital management and caused damage to the office equipments. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the first petitioner was admitted in the hospital due to improper treatment she died, when it was questioned by the petitioners and their relatives a false case has been registered against them. He would further submit that the first petitioner has lost his daughter. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The Government Advocate (Crl.side) would submit that the petitioners are father and relative of the deceased Revathi. She was admitted in the hospital, she died due to bleeding. The petitioners quarrelled with the hospital management and caused damaged to the office equipments worth Rs.2lakhs. He would further submit that the investigation is pending. Hence, he oppose for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :

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 (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am 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]***.

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

With the above directions, this Criminal Original Petition is ordered.

14.03.2023

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