



CrI.OP.No.8888 of 2023

S.SOUNTHAR, J

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The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 332, 353 IPC and Section 3 of TN Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to the Property) Act 2008 in Crime No.70 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that first petitioner's husband was admitted at Kilpauk Government Hospital on 10.03.2023 and he was suffered from pancreas problem. The defacto complainant is Medical Officer at Kilpauk Government Hospital and he is in the charge of Intensive Care Unit, where the 1st petitioner's husband was taking treatment and he has given a treatment. During the course of treatment, the first petitioner husband's health condition become worst. When the defacto complainant asked permission of the petitioners, whether he can give artificial Oxygen Support to the patient, due to which, the petitioners abused the defacto complainant by using filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any such offence as



alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that first petitioner's husband was admitted at Kilpauk Government Hospital on 10.03.2023 and he was suffered from pancreas problem. The defacto complainant is a Medical Officer at Kilpauk Government Hospital and he is in the charge of Intensive Care Unit, where the 1st petitioner's husband was taking treatment and he has given a treatment. During the course of treatment, the first petitioner husband's health condition become worst. When the defacto complainant asked permission of the petitioners, whether he can give artificial Oxygen Support to the patient, due to which, the petitioners abused the defacto complainant by using filthy language. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6. Having regard to the allegations made against the petitioners in the FIR and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail with certain conditions.

7. 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 on which the order copy made ready, before the *learned XIV Metropolitan Magistrate, Egmore, Chennai* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five 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, 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 every day at 10.30 a.m., for a period of three weeks ;



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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 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.

04.05.2023

Vv



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