



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

Crl.O.P.(MD).Nos. 14476 and 14884 of 2016

C.CHANDRASEKAR

... PETITIONER/ACCUSED No.1 in
Crl.O.P.(MD).No. 14476/16

P.VIJAYA PRAKASH

... PETITIONER/ACCUSED No.2 in
Crl.O.P.(MD).No. 14884/16

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME. NO.141/2016)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.V.KATHIRVELU, Senior Counsel for
M/S.K.PRABHU Advocate for the petitioner in
Crl.O.P.(MD).No. 14476/16

For Petitioner : MR.H.ARUMUGAM, Advocate for the petitioner in
Crl.O.P.(MD).No. 14884/16

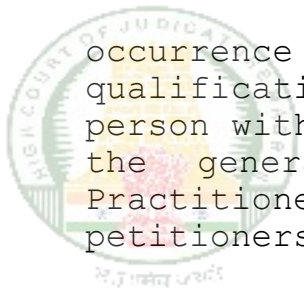
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 420 of IPC r/w. 15(3) of Indian Medical Council Act, 1956 r/w. 109 of IPC in Crime No.141 of 2016, seek anticipatory bail.

2. According to the defacto complainant, who is the Joint Director of Health Department A2 is running hospital in the name of Rayagiri CR - Trust Hospital. A2 appointed A1 as Doctor for treating the patient in the Allopathy system. According to the defacto complainant, A1 is not qualified Doctor and he has not obtained any Degree for practising Allopathy medicine. On information, the Trust hospital was inspected by Joint Director of Medical Department and at that time A1 ran away from the place of



occurrence and no certificates or documents, with regard to his qualification was produced at the time of inspection. The accused person without having any qualification to treat the patient cheated the general public that A1 is qualified Allopathy Medical Practitioner. On complaint, a case has been registered against the petitioners.

3. The learned Senior Counsel appearing for the petitioner in Crl.O.P(MD).No.14479 of 2016 submitted that the petitioner / A1 studied Medical Course in Khazar University at Republic of Azerbaijan during the academic year 2005-2010 and obtained relevant certificates to give treatment in the Allopathy medicine and to practise in India he has to register all the relevant certificates.

4. The learned counsel for the petitioner in Crl.O.P.(MD). No.14884 of 2016 submitted that the petitioner's father started Trust for in the name of Chinnaasamy Nadar Kanthimathi Ammal Charitable Trust for serving poor people by establishing schools and colleges. His father started hospital in the year 2009 and appointed Doctors on monthly salary. After death of this father on 12.04.2009, the petitioner / A2 was maintaining the hospital. Within three months of petitioner's father died, the petitioner took over the management of Trust. After advertisement and interview, the petitioner / A2 appointed A1 as Doctor and at the time he has produced medical degree issued by the Khazar University at Republic of Azerbaijan. On coming to know that A1 did not register the certificate and A1 has not studied medical course, A2 removed A1 from service and gave advertisement for appointment of new Doctors.

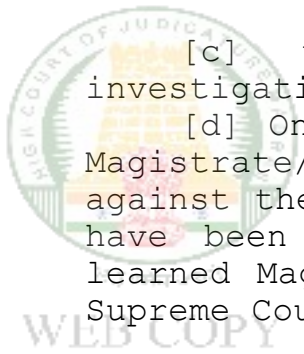
5. The learned Government Advocate (Crl. Side) submitted that without having any qualification to practice medicine, A1 was giving treatment to the general public and the A1 was appointed by A2 and prayed for dismissal of these petitions.

6. Considering the contention of the learned Senior Counsel for the petitioner / A1 that the petitioner is ready to produce all the certificates to the concerned authority and that the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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, Sivagiri, Thirunelveli District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 and on further condition that:

[a] the petitioner / A1 shall report before the respondent Police daily at 10.00 am until further orders and the petitioner / A2 shall report before the respondent police as and when required for interrogation.

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



[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-

18/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.K.PRABHU Advocate SR.No.45460

+1. CC to MR.H.ARUMUGAM, Advocate SR.No.45723

ORDER

IN

Cr1.O.P.(MD).Nos. 14476 and
14884 of 2016

Date :18/08/2016

SMA/GSV-PM/SAR-CO/31/08/2016 :3P/6C