



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

Wednesday, the Twenty Third day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10673 of 2017

ABDUL ALEEM

... PETITIONER/ ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.226 OF 2017)

... 1st RESPONDENT/ COMPLAINANT

THE JOINT DIRECTOR OF HEALTH SERVICES,
THANJAVUR AT KUMBAKONAM. ... 2nd RESPONDENT
(R2 IMPEADED AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL.MP(MD) NO.7431 OF 2017 IN
CRL. OP(MD) NO.10673 OF 2017 DATED 17.08.2017
BY AMBAJ)

For Petitioner : M/S.M.AJMAL KHAN, Senior Counsel for
V.SASI KUMAR Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

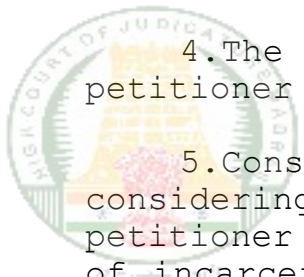
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 04.08.2017 for the offences punishable under Sections 417, 420 IPC r/w Section 15(3) of Indian Medical Council Act, 1956 in Crime No.226 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, without obtaining proper certificate or acquiring necessary qualification, gave allopathy treatment and based on the complaint given by the 2nd respondent the present complaint has been filed.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has completed Diploma in Optometry Technology at A.K.S.Educational and Paramedical Council, Cuddalore and Indian Institute of Medical Technology, Calcutta issued certificate in Diploma in First Aid.



4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused and investigation is still pending.

5.Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and also the petitioner is having Diploma in Optometry Technology and the period of incarceration of the petitioner in jail, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i)the petitioner 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 Judicial Magistrate, Pattukkottai;

(ii)the petitioner is directed to appear before the respondent police weekly once ie., on every Sunday at 10.30 a.m. until further orders;

(iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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].

sd/-

23/08/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PATTUKKOTTAI.
4. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.SASI KUMAR Advocate SR.No.29207

ORDER IN

CRL OP(MD) No.10673 of 2017

Date :23/08/2017

MS/CM-MSA/SAR.2/23.08.2017/2P.7C