



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

Wednesday, the Second day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9188 of 2017
AND
CRL MP(MD) NO.6937 of 2017

PUSHPARAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE

MUSIRI POLICE STATION, MUSIRI, TRICHY DISTRICT,
(CRIME NO.233 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.VADIVELAN Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 15(3) of Indian Medical Council Act, 1956, in Crime No.233 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a Clinic and giving treatment to the village people without having any valid licence. Hence, the present complaint has been foisted against the petitioner.

3. The learned counsel appearing for the petitioner states that the petitioner did not involve in this case as alleged by the prosecution and he is no way connected with the alleged occurrence. He would further submit that the petitioner is a qualified Degree Holder of Bachelor of Electro Homeopathy Medicine and Surgery and he has been running a treatment centre for Electro Homeopathy Medicine and Surgery, as per the norms prescribed in his National Electro Homeopathy Medicine and Surgery as per the norms prescribed in his National Electro Homeopathy Medicine and Surgery Council, New Delhi. The Hon`ble Supreme Court and our High Court also held that there is no ban on the Medical Practice of Electro Homeopathy and also every State in India can rightfully practice Electro Homeopathy Medicine (BEMS) without hindrance and there is no need to take permission from Joint Director of Health, Vellore Disrtrict to practice Electropathy in Tamil Nadu.



4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner herein is the sole accused in this case and he is running a Clinic and giving treatment to the village people without having any valid licence and he is practicing Allopathy side also. He would further state that there is no ban on the medical practice of Electro Homeopathy as stated by the learned counsel for the petitioner, but, as per the FIR, Allopathy medicines were found in the Clinic of the petitioner herein and he is not authorized to treat the person in the medicine and he would further state that the investigation is still pending.

5. Today, the learned counsel for the petitioner filed additional typed set of papers. The counsel for the petitioner has also produced the Judgment of the Hon'ble Supreme Court and the High Court and the certificate issued by the competent authority in favour of the petitioner, in respect of his qualification and the same is perused by this Court.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Musiri, on condition that 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 respondent police or the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

8. The connected Miscellaneous Petition is closed.

sd/-
02/08/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, MUSIRI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, MUSIRI, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.T.VADIVELAN Advocate SR.No.27951

ORDER
IN
CRL OP(MD) No.9188 of 2017
& CRL MP(MD) NO.6937 of 2017
Date :02/08/2017

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