



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.306 of 2018

K.MUTHUVEL

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALLIMANDIYAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.179 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH, Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

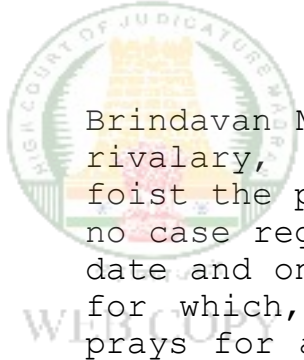
ORDER : The Court Made the following order :-

Heard both sides.

2.The petitioner is arrayed as sole accused, in Crime No.179 of 2017 on the file of the respondent police. He apprehends arrest at the hands of the respondent police for the alleged offences under Section 420 I.P.C., he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that on 31.05.2017, the defacto complainant has approached this petitioner, who is a practicing Doctor of Hemeopathy Medicine and who is the Correspondent of Brindavan Matric School, Kallimandiyam. After taking treatments, several boils and oozed blood also came out of the body of the defacto complainant. Thereby, the defacto complainant was taken a Trichy Kaveri Hospital, wherein she informed that earlier the petitioner had taken wrong treatment, for which, he was affected. Hence, the defacto complainant gave a complaint before the respondent police.

4.The learned counsel appearing for the petitioner submitted that the petitioner is neither a qualified doctor nor he had been permitted to practice medicine. The petitioner is qualified only M.A. B.Ed., and he is running a school in the name and style of



Brindavan Matric School. He further submitted that due to business rivalry, the defacto complainant has set up by some persons to foist the present case as against the petitioner. In fact, there is no case registered against the petitioner, at any point of time till date and only he damaged the image of the petitioner and his school, for which, he has filed this present petition. Accordingly, he prays for anticipatory bail. He further submitted that petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the State would submit that the investigation is still pending.

6. The submissions made by either side are considered. The case has been registered for the offence under Section 420 I.P.C against the petitioner and going through the facts of the case, the defacto complainant made allegation against the petitioner for giving wrong treatment and the said allegation is true or not has been identified at that time of Trial. In other words, nothing has to be recovered by way of custodial interrogation. Admittedly, the petitioner is having a permanent residence at Kallimandiyam. So, considering the facts and the circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchathiram, on condition that each of the petitioner shall execute a bond 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of four weeks and thereafter as and when required for the interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned 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 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].

WEB COPY

sd/-
09/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ODDANCHATHIRAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
KALLIMANDIYAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.395

ORDER
IN
CRL OP(MD) No.306 of 2018
Date :09/01/2018

MS/KK/SAR.4/11.01.2018/3P.6C