



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3976 of 2018

MANOHARAN,

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO.32 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.VENKATESAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 22.02.2018 for the alleged offences punishable under Sections 419 and 420 of IPC., r/w. Section 15 of Indian Medical Council Act, 1956, in Crime No.32 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant, who is the Deputy Director of Medical Services, Kumbakonam conducting investigation at the petitioner's place, he found that the petitioner without having any valid licence administered the allopathy medicine to one patient. Hence, the case has been registered against the petitioner for the above said crime.

3.The learned counsel representing the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that at the time of investigation conducted by the defacto complainant, without having any valid license, the petitioner gave treatment to one patient by using syringe, as if he is an allopathy Doctor. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. As per the typeset filed by the learned counsel appearing for the petitioner, it would disclose that the petitioner is recognised by the Tamilnadu Government for practising in Siddha Medicine, for which he produced the certificate bearing Certificate No.00971 issued by the Tamilnadu Siddha Medical Council, Chennai, dated 31.07.1998. It is alleged that during the time of occurrence, the petitioner was practising and issuing prescription of medicines to the patients, which have to be prescribed by the allopathy Doctors. Now, the alleged contraband, which was used for the purpose of giving allopathy treatment was recovered. Moreover, the petitioner is in judicial custody from 22.02.2018 to till date. Thereby, considering the above facts and circumstances, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some conditions. 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.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;

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

(iv) the petitioner shall not commit any offence while on bail;

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

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

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20/03/2018

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

PJL
TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

+1. CC to M/S.P.VENKATESAN Advocate SR.No.4440

GJM/PN/SAR-2-20.3.18-3P-7C

ORDER
IN
CRL OP(MD) No.3976 of 2018
Date :20/03/2018