



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22144 of 2018

SUNDHARI

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.
(IN CRIME NO. 43 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SATHYA CHIDAMBARAM, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under Sections 420 IPC r/w 15(3) Indian Medical Council Act in Crime No.43 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 10.11.2018, the petitioner, who is a medical student, without even completing the studies, gave treatment to a person.

3. The contention of the petitioner is that he is medical student, who has completed the studies, but due to arrears in some papers, she has not completed the course. He further submitted that the petitioner has already completed B.Sc (Operation Theatre and Anaesthesia Technology) Course. At the time of inspection conducted by the defacto complainant in the hospital run by Dr.Arunkumar, M.B.B.S, MD., the petitioner was only giving tablets to the patients, as per the prescription of Doctor and hence, anticipatory bail may be granted to her.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there is no previous case against the petitioner and investigation is going on.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, No.V, Trichy and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.23641

ORDER

IN

CRL OP(MD) No.22144 of 2018

Date :18/12/2018

AMS/VR-MMS/S-3/24.12.2018/3P/6C