



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2218 of 2019

MURUGESAN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
PERAVOORANI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.20/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.MAHENDRAN Advocate

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

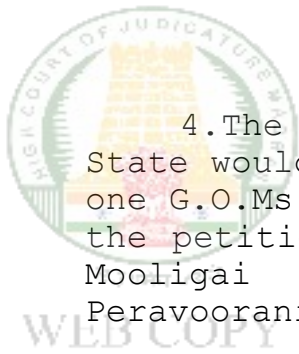
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417, 420 of IPC and 15(3) of Indian Medical Council Act, 1956, in Cr.No.20 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is running a hospital in the name of Vedha Mooligai Varma Kalai Vaithiyasalai at Mainavathy Complex, Peravoorani. The respondent police inspected the said hospital, verified the records and found that the petitioner is a fake doctor thereby the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the National Board of Alternative Medicine at Kuthalam induce the petitioner to join in the National Board of Alternative Medicine, Kuthalam and issued a certificate and he is practicing the alternative medicine. Later on, he came to know that the same is bogus one. Thereafter, the petitioner stopped practice in the Alternative Medicine and he will not take practice any more and closed the Vaithiyasalai.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that on earlier occasion learned counsel produced one G.O.Ms.No.50(A), dated 25.12.2013, which is bogus one. However, the petitioner is ready to close the hospital in the name of Vedha Mooligai Varma Kalai Vaithiyasalai at Mainavathy Complex, Peravoorani, this Court may take appropriate orders on merits.

5.Considering the facts and circumstances of this case and also considering the fact that the petitioner himself come forward before this Court and he will not practice in the said Varma Kalai in the locality. This Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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 Pattukkottai, 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:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b))the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioners 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/02/2019

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



TO

1 THE JUDICIAL MAGISTRATE,
PADDUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PERAVOORANI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.K.MAHENDRAN Advocate SR.No.3919

PS/PN/SAR-2/04.03.2019/3P/6C

ORDER

IN

CRL OP (MD) No.2218 of 2019

Date :27/02/2019