

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

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THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.8643 of 2020

Thirupathi,
S/o.Munirathinam,
D.No.2/106, Laknayackanpatti,
Laknayackanpatti Post, Thirupattur,
Vellore District. Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kandili Police Station,
Vellore District. Respondent
(Crime No.548 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.548 of 2020 on the file of the Inspector of Police, Kandili Police Station, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The Petitioner was arrested and remanded to judicial custody on 20.05.2020 for the offence punishable under Sections 417, 420 of IPC r/w 15(3) of Indian Medical Council Act, 1956 in Crime No. 548 of 2020 on the file of the Respondent Police, seeks bail.

2.The case of the prosecution is that on 20.05.2020, the defacto complainant one Dr.P.M.Kumaravel, Govt. Doctor of Tirupattur GH lodged the complaint before the respondent that the petitioner, is a Quack was illegally practicing as a Allopathy Doctor and doing treatment for the villagers in Laknayackanpatti. Based of the complaint the respondent Police has gone to the said village, found the petitioner was running a clinic and allopathic tablets were seized from him and arrested the petitioner on 20.05.2020. Hence the prosecution case.

3.The learned Counsel appearing for the Petitioner would submit that the petitioner is the native of Laknayackanpatti village. The petitioner and the defacto complainant was known to each other for long time. The petitioner had helped defacto complainant and his wife in purchasing the land in the Laknayackanpatti village. The said land is adjacent to the petitioner's land. He would further submit that there were some misunderstanding between the

petitioner and the defacto complainant with regard to the purchase and enjoyment of land. Due to the dispute, a false case has been lodged against the petitioner. He would further submit that the petitioner never practiced as Allopathy Doctor and there is no complaint from any of the villagers. Hence, he seeks bail for the Petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that the defacto complainant is a Govt. Doctor of Tirupattur GH. Based on his complaint the Respondent Police has gone to the village of the petitioner and found that the petitioner was running a clinic as Allopathy Doctor and from the clinic Allopathy medicines were seized. The petitioner's act has endangered the life of the villagers and he opposed for the grant of bail to the petitioner.

5.Considering the submissions made by the learned counsel for the petitioner and learned Additional Public Prosecutor and perusing the materials, it is seen that there is a dispute between the petitioner and defacto complainant in the purchase and enjoyment of land. The petitioner and the defacto complainant are known to each other and lodging of complaint at this point of time create suspicion. In view of the same and taking note of the fact that the Petitioner is in judicial custody from 20.05.2020, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:-

(a) the Petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/C No.149710011005477), and on such deposit, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the Petitioner shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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]; and

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

6. With the above directions, this Criminal Original Petition is ordered.

12.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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To

1. The learned Judicial Magistrate No.II, Thirupattur.
2. The Inspector of Police,
Kandili Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Vellore.



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M.NIRMAL KUMAR, J.

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