

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

CrI.O.P.No.9103 of 2020

Mohammed Adnan

... Petitioner/A1

Vs.

State represented by,
The Inspector of Police,
Ambur Town Police Station,
Vellore District.
(Crime No 1438 of 2020)

.... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of the Code of Criminal Procedure to enlarge the Petitioner on bail in Crime No.1438 of 2020 pending on the file of the respondent police.

For Petitioner : Ms. Rayeesa Fathima

For Respondent : Mr. M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 177, 188, 269, 270, 271 & 420 of IPC in Crime No.1438 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Privitha who is the Village Administrative Officer, Ambur, had lodged a complaint before the respondent police on 09.05.2020 against one Mr. Mohammed Adnan/the petitioner herein/A1 and Mr. Rafiq Bai IMJ/A2 stating that on 08.05.2020 at about 11.00 a.m. during the nationwide lockdown and when Section 144 Cr.P.C., was already in force across the country, she received a message in her mobile which is extracted hereunder :

'Our Homeopathic Dr. Mohammed Adnan who is a practitioner at HE Cures Homeo Clinic in Ambur has discovered medicine to cure Covid-19 (Corona Virus) and to benefit and disclose the same to public he has approached one Mr. IMJ Rafiq Bhai who is the organizer of Indian Muslim Jamat Organisation and through him approached the District Superintendent of Police and thereafter through them communicated to the Ambur Health Unit Officers and submitted all the records pertaining to the medication for treatment and cure of Covid-19 in Homeopathy, and also that consent was also obtained by them from the

authorities concerned to provide treatment to treat the Covid-19 patients in favour of Dr. Mohammed Adnan'.

The Complainant further alleged in the FIR that the above message was forwarded with an intention to deceive the public which is a false one and that the message was forwarded continuously. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is qualified with BHMS and duly registered with Tamil Nadu Homeopathy Medical Council with Registration No.5605, and he is practicing his profession in HE Cures Homeo Clinic. Recently, the Ministry of AYUSH had issued a notification dated 06-03-2020, following which, the State Government had issued the Government order in G.O.(Ms) No.201 dated 23-04-2020, approving the homeopathy treatment for providing medicines for improving the immunity. Based on the same, the petitioner along with the relevant documents approached the medical officers concerned and discussed on the matter. During the course of discussion, a third person named IMJ Rafiq Bhai, a resident of Ambur and a social worker, was also present there and he misconstrued the discussion. It is noteworthy here that without the consent and knowledge of the petitioner herein/1st accused, the 2nd accused Mr. Rafiq Bai circulated a Whatsapp Message in Tamil. But the Petitioner does not know to read and write Tamil and that he is no way connected with the alleged offence. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a qualified Homeopathic Doctor and he had earlier filed an anticipatory bail application before the Hon'ble Principal Sessions Court, Vellore in E.Bail No. 1195/20 which was dismissed on 01.06.2020 and thereafter, he was filed another anticipatory bail application before this Hon'ble Court in CrI.O.P.No. 8442 of 2020 and the same was dismissed as withdrawn on 11.06.2020. He further submitted that the petitioner along with others continuously forwarding a false message stating that they have discovered medicines to cure Covid-19 (Corona Virus) and that they have also obtained consent from the authorities concerned to provide treatment for Covid-19 patients. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Ambur, Vellore, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 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/s in accordance with law as if the conditions have been imposed and the petitioner/s 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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

29/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, सत्यमेव जयते
AMBUR, VELLORE

2 THE PRINCIPAL SESSIONS COURT,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

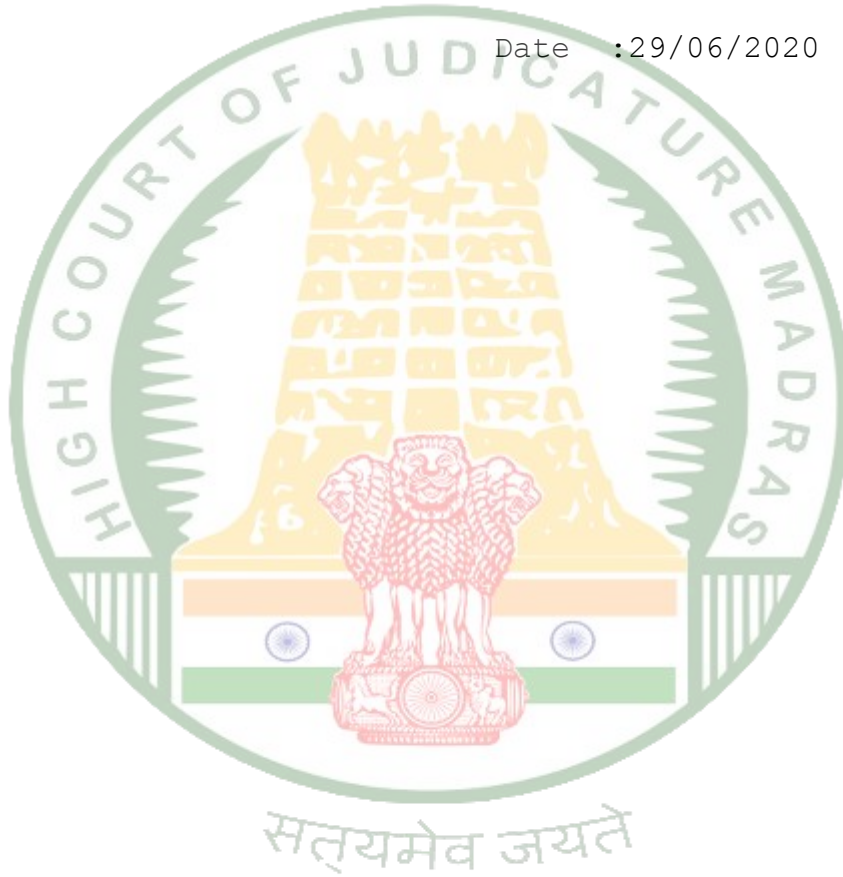
4 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
VELLORE DISTRICT

CC to M/S. RAYEESA FATHIMA Advocate on payment of necessary
charges

CRL OP.9103/2020

Date :29/06/2020

RVR 18/08/2020



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