

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12262 of 2020

L.Sakthivel

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Mathikonepalayam Police Station,
Dharmapuri District.
(Cr. No.906 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Crime No.906 of 2020 on the file of the
respondent police station.

For Petitioner : Mr.S.Shankar

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under sections
420 of IPC and Sec.15(2) of the Indian Medical Council Act in Crime
No.906 of 2020 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner has given
treatment to the general public as if he is Allopathy Doctor without
any valid licence. Hence the complaint. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner was holding the licence for running a Medical shop as per
the rules and procedure namely Balaji Medicalls, bearing licence
No.SLD/5228/20,21 dated 08.02.2013, which was issued by the Assistant
Director of Drugus Control, Salem. He further submitted that
petitioner would submit that the petitioner is an innocent person and
he has not committed any offence as alleged by the prosecution.
Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the Medical Officer conducted ride and found that the petitioner has given treatment to the general public as if he is Allopathy Doctor without any valid licence. He further submitted that there are no previous case is pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Dharmapuri, 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
14/08/2020

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.

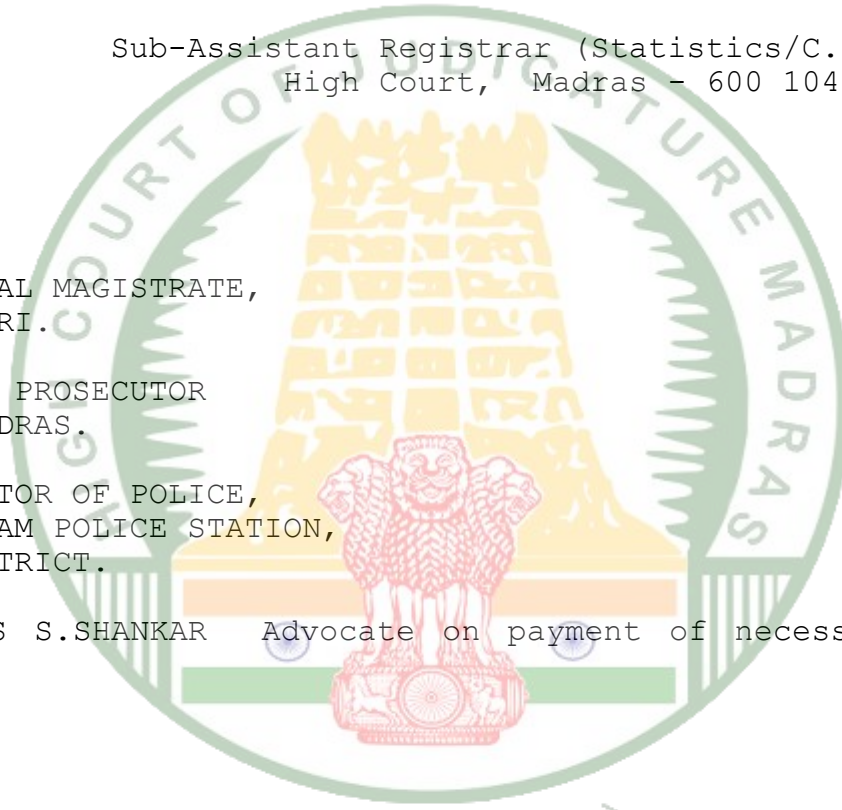
TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MATHIKONEPALAYAM POLICE STATION,
DHARMAPURI DISTRICT.

+1CC to M/S S.SHANKAR Advocate on payment of necessary charges
SR.No.26782



सत्यमेव जयते CRL OP.12262/2020

Date :14/08/2020

cs 03/09/2020

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