

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12421 of 2020

Narasimman

.... Petitioner

-Vs-

State by

The Inspector of Police,
Veppamkuppam police station,
Vellore District.

(Cr. No.647 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.647 of 2020 on the file of the respondent police.

For Petitioner : Ms.S.P.Arthi

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 26.07.2020, for the offences punishable under Sections 417 & 420 of Indian Penal Code and section 15(3) of Indian Medical Council Act, 1956 and Section 8 of Tamil Nadu Private Clinical Establishment Act 1997 in Crime No.647 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Dr.Prasanth, Assistant Surgeon of Anaicut Government Hospital, is that the accused, who is a lab technician, had without qualification practiced Allopathy medicine in the village.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was running a small clinical laboratory. He would submit that due to enmity, a false complaint has been lodged against the petitioner. On instruction, he would further submit that taking into consideration the Covid pandemic situation the petitioner, without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner

has been suffering incarceration from 26.07.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had practiced allopathy medicine in the village, without any valid license. Hence, he would object the grant of bail to the petitioner.

5. Taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make **a payment/donation of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Commissioner, Vellore Corporation, (the amount shall be used for the purpose of providing medicines to the persons affected with Covid-19)** and on such payment and production of proof, he shall be released on bail on his executing a own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(a) the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders;

(b) thereafter on his release within a period of two weeks after lifting of lockdown or commencement of the Court's normal functioning whichever is earlier, shall surrender before the Judicial Magistrate-III, Vellore and furnish two sureties for a sum of Rs.10,000/-each failing which the bail granted by this Court shall stand dismissed automatically;

(c) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently;

(d) 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;

(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];

(g) 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.

-sd/-
19/08/2020

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.III,
VELLORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPAMKUPPAM POLICE STATION,
VELLORE DISTRICT.

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.12421/2020

Date :19/08/2020

MK:07/09/2020