



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12932 of 2020

Senthilkumar

... Petitioner

Vs.

State Rep. by Inspector of Police
B6-Magaral Police Station
Kanchipuram
(Crime No.553 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.553 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.M.Sankar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.08.2020 for the offences punishable under Section 15(2) and 15(3) of Indian Medical Council Act, 1956 and Section 420 IPC, in Crime No.553 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner practised allopathy medicine without the required qualification and cheated the general public.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the owner of the place and is running a medical store. He would further submit that due to rivalry in business, a false complaint has been foisted against him stating that the petitioner is prescribing medicines to the public who visited his store to purchase medicines. He would further submit that the petitioner was arrested on 10.08.2020 and is in judicial custody



for more than 15 days.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was found to be practising allopathy and prescribed medicines to the innocent public posing himself as Doctor. He would further submit that the respondent police have recovered 33 items including syringe, saline bottles etc., from the possession of the petitioner. He would further submit that there is no previous cases pending against this petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that on instruction taking into consideration of 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 10.08.2020. Hence, he prays to grant bail to the petitioner.

6. Taking into consideration of the voluntary submission made by the petitioner offering to donate / pay considerable amount to the maintenance of the children, 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 Little drops, Account No.05811010002400, IFSC No. ORBC0100581, Oriental Bank of Commerce, Moulivakkam, Chennai** and on such payment and production of proof of receipt he shall be released on bail on him 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;

(b) the petitioner shall **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, and execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate No.II, Kanchipuram, 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 on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.



(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

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

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

-sd/-
25/08/2020

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.II,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FORINFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
B6-MAGARAL POLICE STATION,
KANCHIPURAM.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI.

6 LITTLE DROPS, ACCOUNT NO.05811010002400,
IFSC NO. ORBC0100581, ORIENTAL BANK OF COMMERCE,
MOULIVAKKAM, CHENNAI

CC to M/S G.M.SANKAR Advocate on payment of necessary charges

CRL OP.12932/2020

Date :25/08/2020

MN(CS)-07/09/2020