

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12989 of 2020

D.Kumar

... Petitioner

Vs.

The Sub Inspector of Police,
Pudupalayam Police Station,
Tiruvannamalai District.

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of being arrested in Crime No.2333 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.M.Mohamed Riyaz

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 419, 420 IPC, r/w. Section 15, 15 (3) of the Indian Medical Council Act, 1959 in Crime No.2333 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner was found practising allopathic medicine without required qualifications. On a complaint lodged by the *de facto* complainant, the respondent along with medical team conducted inspection at the petitioner's clinic situated at No.32, North Vanniyar Street, Pudupalayam, and found some used allopathy medicines and drugs.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner

is a social worker working in a remote village and used to

purchase medicines for the villagers and that 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.

4. Learned Additional Public Prosecutor would vehemently oppose the contentions made by the counsel for the petitioner that the petitioner is not a qualified person for practising Allopathy medicines and he has played with the lives of the villagers by giving improper treatments. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering 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.10,000/- (Rupees Ten Thousand only) in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F.**

6. Merely, because the petitioner had deposited 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.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to pay a sum of Rs.10,000/- in favour of **Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F**, within a period of three weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the

petitioners shall also give a letter of undertaking before the respondent/police that the said amount has been paid.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] 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.

9. For reporting compliance, post the matter on 17.09.2020.

-sd/-
25/08/2020
सत्यमेव जयते

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,
CHENGAM TALUK, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

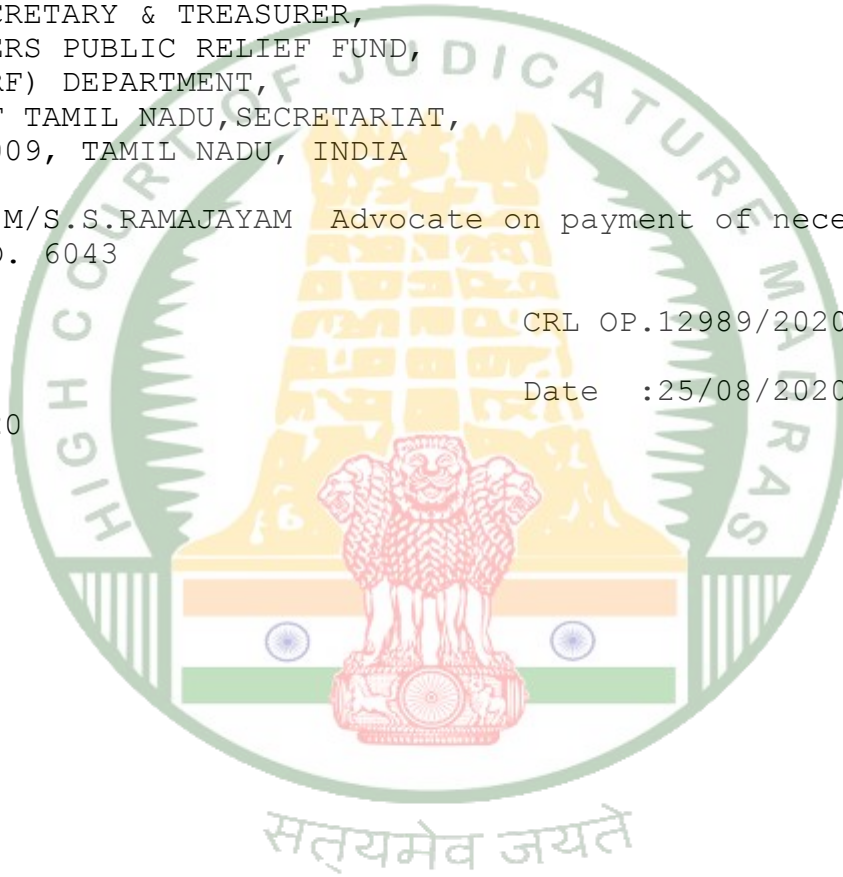
4 JOINT SECRETARY & TREASURER,
CHIEF MINISTERS PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI 600 009, TAMIL NADU, INDIA

+1 CC to M/S.S.RAMAJAYAM Advocate on payment of necessary
charges SR.NO. 6043

CRL OP.12989/2020

Date :25/08/2020

GKS:04/09/2020



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