

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13101 of 2020

Raja @ Peter

... Petitioner

Vs.

The State Rep.by,
The Inspector of Police,
Taluk Police Station,
Thiruvannamalai District.
Crime No.2525 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in Cr.No.2525 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Shanmugam

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 417 of IPC and 15(2)(b) of Indian Medical Council Act, 1956, in Crime No.2525 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Dr.Kanaki, Joint Director of Health Services, Tiruvannamalai District is that the petitioner has practised allopathy medicine without required qualification.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that a raid was conducted in the licensed medical store viz., Mahalakshmi Medical Store and for the reasons best known to the respondent and due to business rivalries, a false complaint has been given against him and thereby, the case has been registered.

4.The learned Additional Public Prosecutor would submit that the petitioner under the guise of running medical store was practising allopathy medicine without required qualification. He would further submit that the investigation is still pending and there is no previous case pending against him.

5.Considering the above facts and circumstances of the case and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the **Chief Minister's Public Relief Fund, Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172**, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Tiruvannamalai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the **Chief Minister's Public Relief Fund, Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172**, within a period of two weeks from the date on which the order copy made ready

[c] the petitioner shall report before the respondent police daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
27/08/2020

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,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
THIRUVANNAMALAI.

4 THE CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SB.A/C. NO.117201000000070,
IFSC CODE. NO.IOBA0001172

CC to T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.13101/2020

Date :27/08/2020