

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13535 of 2020

Theerthagiri

... Petitioner

Vs.

The State by Inspector of Police
Pudupalayam Police Station
Tiruvannamalai District.
Crime No.2284 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.2284 of 2020 pending investigation on the file of the Inspector of Police, Pudupalayam Police Station, Tiruvannamalai District.

For Petitioner : Mr. A.Saravanan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 419 and 420 of IPC and Sections 15 and 15(3) of Indian Medical Council Act, 1956 in Crime No.2284 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Dr.Arulanandham, who is working as Medical Officer in the Government Hospital, Chengam is that on information, the de-facto complainant conducted an inspection and the petitioner was found to be practising Allopathy without any required qualification.

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 a qualified Homeopathey and he is not practising Allopathy. For the reasons best known to them, a false case has been given as he is practising Allopathy. He would further submit that the petitioner is aged 72 years and he is a senior citizen. Therefore, he prays to

grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the allegation against the petitioner is that he is practising Allopathy without any required qualification. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the petitioner would submit, without prejudice to his defence, the petitioner is preferred to deposit an amount of Rs.15,000/- to relief fund.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) The petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen thousand only) either through RTGS/NEFT or in cash in favour of **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB A/c.No.117201000000070, IFSC Code, No.IOBA0001172** within a period of four weeks from the date of receipt of a copy of this order and on such payment, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate, Chengam**, 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:

[b] 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.

[c] The petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen thousand only) either through RTGS/NEFT or in cash in favour of **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB A/c.No.117201000000070, IFSC Code, No.IOBA0001172.**

[d] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

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

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

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

02/09/2020

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SB A/C.NO.
117201000000070, IFSC CODE, NO.IOBA0001172.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO.6115

CRL OP.13535/2020

Date :02/09/2020

TA-10/09/2020