

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14595 of 2020

N. Prasath Prabu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri District.
Crime No.581 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.581 of 2020 on the file of the respondent.

For Petitioner : Mr. R. Thamarai Selvan

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

ORDER

(The case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of I.P.C and Section 15(3) of Indian Medical Council Act, 1956, in Crime No. 581 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had found to practice Allopathic Medicine without any qualification. Hence, the complaint was registered.

3. The 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 submit that the petitioner was running only the Medical shop and he was nothing to do with the alleged offence. He would further submit that without prejudice to his rights, the petitioner has prepared to deposit certain amount to any charitable organization or association without prejudice to his defence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had practising Allopathic Medicine without any qualification. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Chief Judicial Magistrate Court, Dharmapuri, on condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Chief Minister's Relief Fund and that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each 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 report before the respondent Police everyday at 10.30. a.m for a period of two weeks and thereafter every Monday until further orders.

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

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

[e] 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].

[f] 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/-
18/09/2020

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 CHIEF JUDICIAL MAGISTRATE
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SECRETARY TO GOVT.,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST.GEORGE, CHENNAI-600 009.
TAMIL NADU.

CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges

WEB COPY

CRL OP.14595/2020

Date :18/09/2020

cs 05/10/2020