

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.15729 of 2020

1.Singaravelu
2. Nithya

... Petitioners

Vs.

The State rep. by
Sub-Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
Crime No.2566/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioners on bail in the event of their arrest pending investigation in Crime No.2566 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Vijayakumar

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

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 of IPC and Section 15(3) of the Indian Medical Council Act, 1956, in Crime No.2566 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners without necessary qualification practised Allopathic Medicine and cheated general public. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners, during the Pandemic period, had purchased medicines from the Town and given it to the Village people, whereas, a false complaint has been given as if the petitioners have practised Allopathic Medicine and given treatment to the general public. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners, without any qualification, practised Allopathic Medicine and sold medicines to the innocents and gullible people. Hence, he vehemently opposed to grant anticipatory bail to the

5. At this juncture, the learned counsel for the petitioner would submit that taking into consideration the COVID pandemic situation, the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence.

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

7. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) jointly to "the Chief Justice Relief fund" within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days, before the Judicial Magistrate, Arani, on condition that each of the petitioners 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 petitioners 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 petitioners 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.

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

[d] the petitioners 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 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].

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

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

-sd/-

28/10/2020

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,
ARANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB - INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SECTION OFFICER,
ACCOUNT SECTION,
THE CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS.

CC to M/S. S.VIJAYAKUMAR Advocate on payment of necessary charges Sr.7099

CRL OP.15729/2020

Date :28/10/2020

RVR 05/11/2020

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