

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.15938 of 2020

N.Jeevaram, Aged 30 years
S/o.Natarajan

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Kilpennathur Police Station
Thiruvannamalai District.
(Crime No.2432 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 in Crime No.2432 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Anburaja

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 420, 353 of IPC r/w Sections 15 (3) of Medical Council Act 1956, in Crime No.2432 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Dr.Vasanth Ruben, who is working as Joint Director of Health Service, Thiruvannamalai is that the petitioner, without any required qualification was practising Allopathy.

3. The learned counsel appearing 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 was running a medical store after obtaining proper license, whereas a false complaint has been given as if he is practising Allopathy medicine. He supplied medicines to the poor villagers. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner, without any required qualification was practising Allopathy. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. 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) 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 copy of this order is made ready, before the **learned Judicial Magistrate No.II, Thiruvannamalai**, on condition to make a non refundable deposit of Rs.25,000/- (Rupees Twenty five thousand only) to **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**, on such deposit and production of proof and also 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 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 petitioners 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.

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

07.10.2020

Index: Yes/No.
Internet/Yes/No
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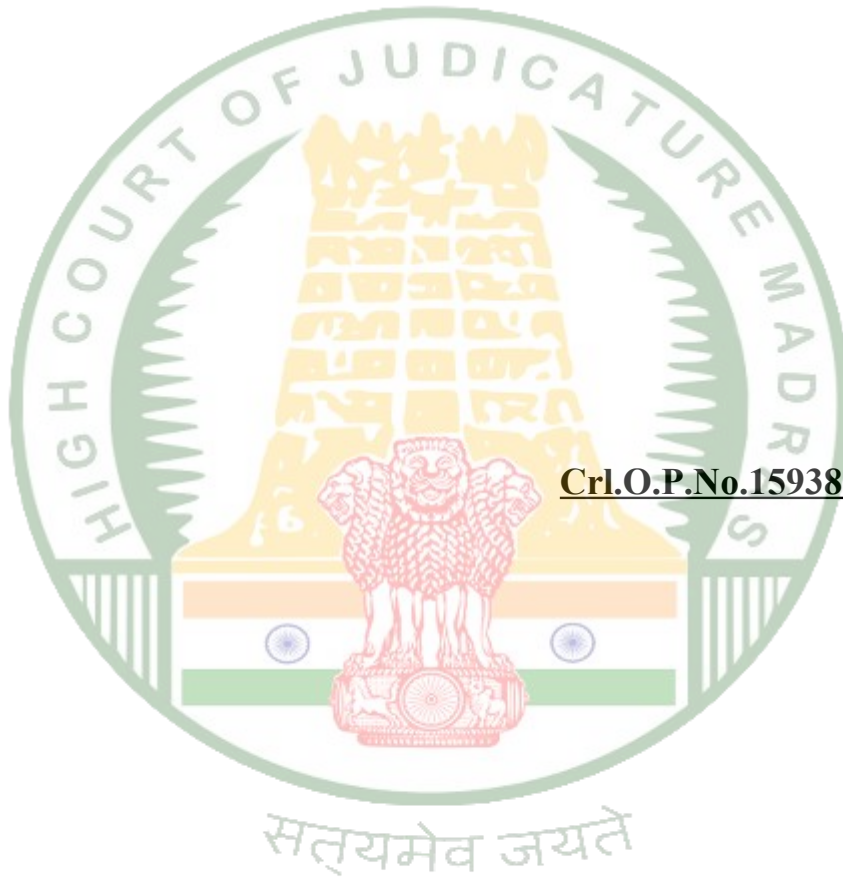
- 1.The Judicial Magistrate No.II,
Thiruvannamalai.
- 2.The Inspector of Police
Kilpennathur Police Station
Thiruvannamalai District.
3. The Public Prosecutor
High Court of Madras.



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