



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.13 of 2020

E.Muthu

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
Crime No.160/2019.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.160 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under section 304(ii) of I.P.C., in Crime No.160 of 2019 on the file of the respondent police, seeks anticipatory bail.

3.The defacto complainant in this case is one Rajeswaran. According to him, his mother Janaki aged about 54 years became ill. She was taken to the petitioner's clinic. The petitioner appears to have given her an injection. Thereupon, the complainant's mother fell unconscious and she was rushed to the another Hospital. But when, she died enroute. Hence, Crime No.160 of 2019 was registered.



The case was registered initially under Section 174 of Cr.P.C. Later, FIR was altered to one under Section 304(ii) of IPC.

4.The petitioner's counsel contended that postmortem was done and the final opinion does not implicate the petitioner herein.

5.The petitioner's counsel is right as the postmortem Doctor has stated that the exact cause of death could not be ascertained. But then, this Court wanted to know as to whether the petitioner was qualified to practice. Admittedly, the petitioner is running the clinic in the name and style of Muthu Clinic at Tharangampadi Village. The petitioner has passed on a sheaf of papers.

6.This Court went through the contents of the same. None of the certificates relied on by the petitioners can be said to authorise the petitioner to engage in medical practice. I have no doubt in my mind that the petitioner is a quack. If the petitioner continues to practice medicine, it will only constitute danger to public health. Since the petitioner has un-authorizedly engaged in medical practice, I am not inclined to grant relief. Hence, this criminal original petition stands dismissed.

sd/-
20/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE,
CHINTHAMANIPATY POLICE STATION,
KARUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13 of 2020
Date :20/01/2020

MS/PN/SAR-1/24.01.2020/2P.3C