



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5398 of 2020

Periyasamy

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kulithalai Police Station,
Karur District.
Cr No.403/2020.

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayalan,
Advocate.

For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.403 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offence punishable under Section 420 IPC
r/w Section 15(3) of Indian Medical Council Act, 1956, seeks
anticipatory bail.

2. Heard both sides.



3.As per the First Information Report, Government Doctor attached to Kuzhithalai Government Headquarters Hospital has given a complaint to the respondent, stating that the petitioner herein is running a clinic by name Subash Hospital without proper qualification to administer Allopathic medicine. Accordingly, based on the said complaint, on 02.05.2020 at about 11.00 a.m., the respondent police has gone to the hospital premises of the petitioner. Since the petitioner was not present, in the presence of the land owner, the hospital has been searched and Allopathic medicines meant for patients have been seized from the premises. Hence, the First Information Report has been registered against this petitioner in Crime No.403 of 2020.

4.The learned counsel appearing for the petitioner would submit that the petitioner is a qualified Siddha practitioner and has never prescribed or administered Allopathic medicines for his patients. The alleged search in his premises in his absence and recovery of Allopathic medicines in his premises is falsehood. He had only administered indigenous Siddha medicines and not Allopathic medicines to his patients. When no patient or public has given complaint, the provision of Section 420 IPC nor 15(3) of Indian Medical Council Act, 1956, will get attracted.

5.Contrarily, the learned Additional Public Prosecutor appearing for the State would submit that with an intention to cheat the public, the petitioner posed himself as Allopathy Doctor and running a hospital by name Subash Hospital and he is giving Allopathic medicines to his patients in his hospital, which has been seized during the search. Being the quack doctor in the rural area, health and life of the rural public is in danger, hence, opposed to grant anticipatory bail to the petitioner.

6.The learned counsel for the petitioner to substantiate his plea has annexed the certificate issued by the Siddha Maruthuva Gurugulam and The Private Medical Practitioner's Association of India. While the certificate issued by Siddha Maruthuva Gurugulam indicates that the petitioner is a Siddha Maruthuva Pandit (SMP) qualified to attend patients and administer Siddha system of medicine, the other certificate allegedly to have been issued by the President of Private Medical Practitioner's Association of India indicates that he is entitled to administer modern Allopathic system of medicine. These two certificates go contrary to each other and it is a matter for further investigation. If the anticipatory bail is granted to the petitioner, there is every possibility of

<https://hccservices.courts.gov.in/hccservices> the Allopathic medicines to public without proper



qualification and tampering records. Hence, in the considered view of this Court, the petitioner is not entitled for anticipatory bail for the alleged offences. Accordingly, this Criminal Original Petition seeking anticipatory bail stands dismissed.

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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
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5398 of 2020
Date :22/05/2020

PD/JC/SAR 3/02.06.2020/3P/3C