



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.8588 of 2020

WEB COPY

Periyasamy,

... Petitioner/Sole Accused

Vs

State rep by its
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No. 403 of 2020).

... Respondent/Complainant

For Petitioner : M/s S.Deenadhayalan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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 is a sole accused apprehending arrest at the
hands of the respondent police for the offences punishable under
sections 420 of I.P.C. r/w Section 15(3) of Indian Medical Council
Act, 1956, in Crime No. 403 of 2020 on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
is a Government Doctor. The allegation is that, without proper
qualification, the petitioner is practicing as a Allopathic Doctor
and prescribed allopathic medicines. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (criminal side) appearing for the
respondent.

4. The learned counsel appearing for the petitioner submitted
that he never committed an offence as alleged by the respondent
police and the petitioner is doing Hereditary and Indigenous Systems
of Medicines and Naturopathy, Siddha Medicines. He would further
submit that he never practiced as Allopathic Doctor. Hence, he



seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that without obtaining proper qualification the petitioner is practicing as a Allopathic Doctor.

6.Considering the rival submissions and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kulithalai, Karur District, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 is directed to file an undertaking affidavit before the concerned Magistrate Court that he would not indulge in practicing as a Allopathic Doctor and will not prescribe Allopathic Medicines ;

(c) the petitioner shall report before the respondent police as on when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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]; and;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/08/2020

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

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.I, Kulithalai,
Karur District.
2. Do through,
The Chief Judicial Magistrate, Karur District.
3. The Inspector of Police,
Kulithalai Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.8588 of 2020
Date : 19/08/2020

TR/RSK/SAR-II(24.08.2020) 3P 5C