



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8865 of 2020

S.Gopala Kannan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
Crime No.475/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Gokulraj,
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.475 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 269, 270, 336, 420 of I.P.C. r/w Section 15(3) of Indian Medical Council Act, 1956, in Crime No.475 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation is that the petitioner is a Diploma holder in Siddha Medicine, however, he is practicing allopathy. Hence, based on the complaint given by the Chief Medical Officer, a case has been registered.

3.The learned counsel appearing for the petitioner would submit that he is a well known Siddha Doctor in that area and he has also got a valid degree certificate and for the past 20 years, he is



practicing only Siddha Medical and based on the false complaint given by the Chief Medical Officer, the present case has been registered against him. He would further submit that the petitioner undertakes that he will not practice Allopathy in future.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner is having a diploma certificate in Siddha Medicine, but, now he is practicing in Allopathy. Based on the complaint given by the Chief Medical Officer, the case has been registered.

5. Considering the facts and circumstances of the case and also the undertaking given by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or 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 shall report before the respondent police as and when required for interrogation;

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

(d) the petitioner 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 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;

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

sd/-

03/09/2020

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



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.II, KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-6235[I] dated 03/09/2020)

ORDER

IN

CRL OP(MD) No.8865 of 2020

Date :03/09/2020

SJI

TE/AKM/SAR-I : 09/09/2020 : 3P/6C