



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

Date : 05/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12002 of 2020

Muthusamy ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.1501 of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
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. 1501 of 2020 on the file of
the respondent Police

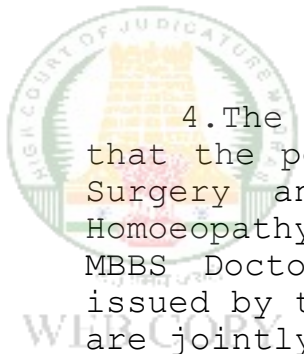
ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 15(3) & 25 of the Indian Medical Council Act, 1956, and under Section 420 of IPC, in Cr No.1501 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner practicing English medicines without having valid qualifications. During inspection, it was found that the petitioner prescribed English Medicines namely, IV FLU ID for two patients. Some Allopathic tablets also recovered from the room of the petitioner. Subsequently, the clinic was sealed by the Tashildar, Vedachandur. Hence, the complaint.

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

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is a Diploma holder in Homoeopathy Medicine & Surgery and having a valid certificate issued by Tamil Nadu Homoeopathy Medical Council. Further, his son namely M.Loggish is a MBBS Doctor with Registration No.TNMC : 116223 dated 13.04.2016 issued by the Tamil Nadu Medical Council. The petitioner and his son are jointly running the clinic. The defacto complainant misconstrued as if the petitioner administering English Medicines and therefore, a false complaint has been lodged as against the petitioner. Hence, he prayed to anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner practicing English medicines without having valid qualifications. During inspection, it was found that the petitioner prescribed English Medicines namely, IV FLU ID for two patients. Some Allopathic tablets also recovered from the room of the petitioner. Subsequently, the clinic was sealed by the Tashildar, Vedachandur.

6.It is seen that the petitioner is the Homoeopathy Doctor registered under the Tamil Nadu Homoeopathy Medical Council. However, the allegation is that the petitioner is practicing Allopathi Medicine. The son of the petitioner also MBBS Doctor registered under Tamil Nadu Medical Council. Both are jointly running the clinic.

7.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vedachandur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., for period of two weeks and thereafter as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness
<https://hccourtsonline.org.in/hccservices> 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/11/2020

/ TRUE COPY /

/ /2020
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, VEDACHANDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12002 of 2020
Date : 05/11/2020

DSS
TK/PN/SAR.3/11.11.2020/3P/5C