



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

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PRESENT

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

CRL OP(MD). No.13545 of 2020

Mary Rathna

... Petitioner/Accused

Vs

The State rep. by
The Sub-Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District,
Crime No. 108/2020.

... Respondent/Complainant

For Petitioner : Mr.H.Elango,
Advocate.

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

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

PRAYER :-

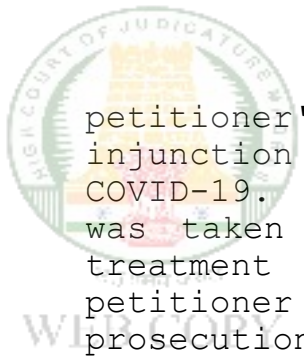
For Anticipatory Bail in Crime No. 108 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No. Rank Not Known, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 506(i), 419, 420, 304 of IPC r/w Section 15 of the Indian Medical Council Act in Crime No.108 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband is a Homeopathy Doctor and running a Clinic in the name and style of Das Clinic. without any qualification, her husband treated the patients in the allopathy medicine and treated 12 year old boy and injected injuncion and after two days he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's husband is a qualified Homeopathy Doctor. The



petitioner's husband treated the deceased for his fever and injected injuncion and in fact, the petitioner's husband was also suffered COVID-19. Immediately, on the advice of the petitioner's husband he was taken to the Government Hospital, Asaripallam where he took treatment for two days and thereafter, he died. Therefore, the petitioner is nothing to do with the crime as alleged by the prosecution. He further submit that the petitioner is also a qualified Doctor and they have registered with the Tamil Nadu Medical Council and practicing as Doctors. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) would submit that the petitioner and her husband are Homeopathy Doctor and running a Clinic in the name and style of Das Clinic. without any qualification, the petitioner's husband treated the patients in the allopathy medicine and he treated 12 year old boy and injected injuncion and after two days he died. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner and her husband are qualified doctor and there is no other serious allegations against the petitioner and the petitioner's husband was arrested and subsequently he was released on bail by this Court in Crl.O.P.(MD). No.11777 of 2020, dated 28.10.2020, this Court is 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kuzhithurai, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2020

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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.I,
KUZHITHURAI.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB-INSPECTOR OF POLICE,
KADAIYALUMOODU POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13545 of 2020

Date : 30/11/2020

VSG

SRS/SMA/SAR-II/08.12.2020/3P/5C