



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

Date : 10/12/2020

PRESENT

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

CRL OP(MD).No.14287 of 2020

Ratheesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.
Crime No.754 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Palani Velayutham,
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.754 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 420, 338 IPC and Section 15(3) of Indian Medical Council Act, 1956, in Crime No.754 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has completed his course in Bachelor of Homeopathy Medical Science. Though he studied in Homeopathy, he is practicing as Allopathy. In fact, her wife is also a Doctor and registered with Director of Medical and Rural Health Services. Due to his treatment, the victim suffered some problems in her eye site. Hence, the case has been registered.

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 he has not committed any offence and he has been falsely implicated in this case.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has not completed his M.B.B.S. course. Without qualification, he had given allopathy treatment to the victim. Due to the said treatment, the victim suffered some issues in eyes.

6.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 shall pay a sum of Rs.50,000/- (Rupees Fifty thousand only) to the victim and on producing of acknowledgement, 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 No.III, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood related 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 10.00 a.m for a period of two weeks and thereafter 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/12/2020

WEB COPY

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/ /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 No.III
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMAR DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION,
SUCHINDRAM, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14287 of 2020
Date :10/12/2020

VSD
TK/VR/SAR.3/17.12.2020/3P/5C