

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.5511 of 2021

G.Sugumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kandili Police Station,
Thirupathur District.
(Cr.No.49/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners on anticipatory bail in the event of his arrest in respect of Crime No.49/2021 on the file of the respondent police pending investigation.

For Petitioner : Mr.V.R.Kamalanathan
for Mr.C.Mohanraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

O R D E R

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under sections 419, 420 and 201 IPC r/w Section 15(3) of Medical Council Act, 1956 in crime No.49 of 2021 and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused is running a scan centre without having any valid allopathy certificate. It is the case of the prosecution that on 05.03.2021, during the regular inspection, the said irregularity allegation was found by the defacto complainant.

3. However, it is the case of the petitioner that he is an innocent person and he is no way involved in the commission of the alleged offences. It is also the case of the petitioner that the remaining accused have already been granted bail by this Court.

4. After giving due consideration to the aforementioned factors and in view of the fact that petitioner is not having any previous case, this Court is inclined to grant anticipatory bail subject to the fulfillment of the certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned Judicial Magistrate No.2, Thirupathur on condition that each of 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards the Covid Relief Fund, in favour of the District Medical Officer, Thirupathur District.

(b) 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.

(c) the petitioner shall report before the respondent police as and when required.

(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].

(g) If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

6. With the aforesaid directions, this Criminal Original Petition stands ordered.

-sd/-
10/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
THIRUPATHUR DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
THIRUPATHUR DISTRICT,
TOWARDS THE COVID RELIEF FUND.

CC to C.MOHANRAJ-MS/2335/2009 Advocate on payment of necessary charges

WEB COPY

CRL OP.5511/2021

Date :10/06/2021

cs 09/07/2021