



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.10043 and 10025 of 2021

Nagaraj @ Nagarajan

.. Petitioner/Accused in both petitions

/versus/

The State of Tamil Nadu ..Respondent/Complainant in both petitions
Reptd by its Inspector of Police,
Kadathur Police Station,
Kadathur,
Erode District.
(Crime No.173/2021)

Common Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.173 of 2021 pending investigation on the file of the Inspector of Police, Kadathur Police Station, Erode District, respondent herein.

For Petitioner : Mr.A.V.Arun (both petitions)

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)
(both petitions)

COMMON ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.05.2021 for the offence punishable under Section 420 of IPC and 15(3) of Indian Medical Council Act in Crime No.173 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was practising medical profession without having any qualification and giving medicines to the general public.

3.The learned counsel appearing for the petitioner submits that the petitioner was never practising with english medicine to general public. He used to treat the patient with country medicine. The petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against the petitioner. The petitioner was arrested and remanded to judicial custody from 26.05.2021. He was ready and willing to abide any condition imposed by this Court. Hence, he seeks bail to the petitioner.



4.The learned Government Advocate(crl.side) submits that the petitioner was practising medical profession without having any qualification and giving medicines to the general public and the petitioner was already convicted in S.C.No.138 of 2014 and he was sentenced imprisonment for five years for the offence under Sections 420 of IPC and Section 15(3) of the Indian Medical Council Act.

5.It is seen that the petitioner was practising medical profession without having any qualification and giving medicine to the general public. He was already convicted and sentence was imposed by the Sessions Court and the same was confirmed by the Hon'ble Supreme Court of India and he was incarceration of imprisonment. Merely after coming out, he was involved in the same kind of crime. In the present circumstances, it is seen that the petitioner is the sole accused and he was practising english medicine without any proper qualification and he was also prescribing medicine to the general public. He utilised covid-19 pandemic and treated the patient with english medicine, without any qualification. On the complaint lodged by the District Medical Officer, Government Primary Health Centre, Kasipalayam, Erode District, a surprised inspection was conducted and recovered the following items; (1)Nimesulide and Paracetamol-180 tablets (2) injection Pantoazole for injection Popz-IV; (3)medicine plastic bottles and (4)Memo pad for purchasing the medicines. Therefore, he committed very serious offence. Though he was already convicted for the similar offence, he never changed his business and continued the same. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, these Criminal Original Petitions are dismissed.

-sd/-
09/06/2021

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.II,
GOBICHETTIPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
KADATHUR POLICE STATION,
KADATHUR, ERODE DISTRICT.



4 THE OFFICER INCHARGE
DISTRICT JAIL, GOBICHETTIPALAYAM.

WEB COPY

CC to M/S.A.V.ARUN Advocate on payment of necessary charges

CRL OP.10043 & 10025/2021

Date :09/06/2021

TA-29/06/2021