



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 11670 of 2021

Nagaraj @ Nagarajan

.. Petitioner/Accused

/versus/

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

..Respondent/Complainant

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

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)

ORDER

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.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 26.05.2021, this Court is inclined to grant bail to the petitioner with certain conditions :-

[a] Accordingly, the petitioner is ordered to be released on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate within a period of fifteen days, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m, until further orders. If the petitioner continues with his medical practice, the bail granted by this Court shall stand cancelled and the respondent/police is directed to secure the petitioner and proceed in accordance with law

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

09/07/2021

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 CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE
DISTRICT JAIL,
GOBICHETTIPALAYAM.

6 THE DISTRICT MEDICAL OFFICER
GOVERNMENT PRIMARY HEALTH CENTRE,
KASIPALAYAM, ERODE DISTRICT.

+1 CC to M/S.A.V.ARUN Advocate on payment of necessary charges
SR.NO.7249

CRL OP.11670/2021

Date :09/07/2021