



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25698 of 2021

WEB COPY

Mrs. Kasthuri ... Petitioner

Versus

The State Rep by  
The Inspector of Police,  
Kaveripakkam Police Station,  
Ranipet District.  
(Crime No.324 of 2021) ... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.324 of 2021 pending investigation on the file of the respondent police.

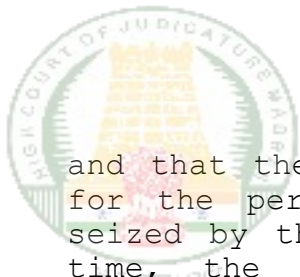
For Petitioner : Mr. Adhithya Varadarajan  
For Respondent : Mr.A.Gokulakrishnan  
(Additional Public Prosecutor)  
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O R D E R

The petitioner, who apprehends arrest for the alleged offences under Section 15(3) of Indian Medical Council Act, 1956, Section 8 of TN Private Clinical Establishment Act, 1997 and Section 420 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the officials of the Medical Department made on search, it is found that the petitioner was treating patients and giving injections and tablets without possessing appropriate medical qualification. Hence this complaint.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further he submits that no independent witnesses were present at the time of the inspection in contravention of the procedure established by law



and that the injections that is alleged to have been recovered are for the personal medical use of the petitioner and the quantity seized by them is also not of a huge quantity and at no point of time, the petitioner has treated any patient posing to be a registered medical practitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner as she shall abide by any condition imposed by this Hon'ble Court.

4.The learned Government Advocate (Crl.side) submits that the petitioner has treated the patient by administering injection and giving tablets without possessing appropriate medical qualification. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and submissions of the learned counsel of either side, as the petitioner has retired from Primary Health Centre, Kaveripakkam with the service appreciation and is aged about 75 years old, there is no possibility of absconding, 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 fifteen days from the date of receipt of a copy of this order, before the learned learned Judicial Magistrate, Walajapet, on condition that the petitioner should not practice as a Doctor and shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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 Court concerned 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 on 1st week of every month on Wednesday at 10.30 a.m. until further orders and as and when required for interrogation and the petitioner shall appear 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 anticipatory 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/12/2021

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,  
WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
KAVERIPAKKAM POLICE STATION,  
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.ADHITHYA VARADARAJAN Advocate on payment of  
necessary charges SR.NO.15583

CRL OP.25698/2021

Date :23/12/2021

RW 04/01/2022