



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2512 of 2021

Murugan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.122/2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

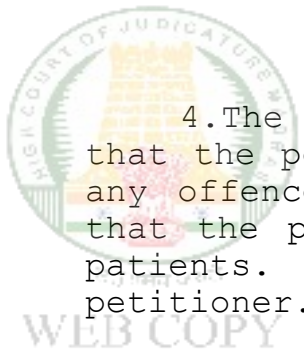
PRAYER :- For Anticipatory Bail in Crime no.122 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 420 of IPC and Section 15(3) of Indian Medical Council Act, 1956, in Crime No.122 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in this case the petitioner herein was running medical shop without obtaining valid degree, and the petitioner herein was also prescribing medicines and injecting the patients. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has not prescribed any medicines and injected patients. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner run a Medical Shop without obtaining valid degree and license. Hence, the crime has been registered.

6.On perusal of the materials available on records, it is seen that the defacto complainant is none other than the rival business party to the petitioner. It is also seen that the defacto complainant has filed a petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate, Aranthangi, alleging that the petitioner apart from running of medical shop, he is prescribing medicines and injecting patients. It is also seen that earlier complaint has been lodged before the respondent Police, which was closed as "Mistake of Fact". Based on the direction given by the learned Judicial Magistrate, Arnathangi, under Section 156(3), the present FIR came to be registered.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, 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, Aranthangi, on condition that 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 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 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.

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sd/-
26/02/2021

/ TRUE COPY /

/ /2021

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,
ARANTHANGI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION, PUDUKOTTAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.LENIN KUMAR, Advocate SR.No.1563

ORDER
IN
CRL OP(MD) No.2512 of 2021
Date :26/02/2021

NR/VR/SAR-I (03.03.2021) 3P:6C