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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/05/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6852 of 2021

Raja @ Saravanasekaran

... Petitioner/Single Accused

Vs

The State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.211 of 2021.

... Respondent/Complainant

For Petitioner : Mr. Karl Marx.M,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.211 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC and Section 15(3) of Indian Medical Council Act 1956, in Crime No.211 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the de-facto complainant, namely, Chief Medical Officer, Government Hospital, Krishnarayapuram, Karur, along with other persons, on 23.04.2021 at about 13.00 hours conducted inspection in the residence of the petitioner's house and found some Allopathy Medicine tablets and vials. Hence, on suspicion, the de-facto complainant filed this complaint.



4.The learned counsel for the petitioner would submit that the petitioner has filed an undertaking affidavit before this Court stating that he will not indulge in any such activities of prescribing Allopathy Medicine to the general public and hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that no complaint has been made against this petitioner stating that he prescribed Allopathy Medicine to the public.

6.Recording the said undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the Judicial Magistrate Court No.II, Kulithalai, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
21/05/2021

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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 No.II,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6852 of 2021
Date :21/05/2021

SJI/VSD
TE/MNR/SAR-III : 28/05/2021 : 3P/5C