



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11867 of 2021

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Selvi

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Guziliamparai Police Station,
Dindugal District.
(Cr.No.523/2021).

... Respondent/Complainant

For Petitioner : M/s.Parthasarathy A,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.523 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 alleged offence punishable under Section
420 IPC r/w Section 15(3) of the Indian Medical Council Act 1956, in
Crime No.523 of 2021, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner
is a registered pharmacist, running a pharmacy in the name and style
of "KPS Medical" and she has also indulged in using the pharmacy as
a clinic and giving allopathy treatment to her customers.

3.The learned counsel for the petitioner submits that the
petitioner is only doing a pharmacy business and not indulging in
any allopathy treatment and she has also filed an undertaking
affidavit stating that she will never indulge in such a practice of
allopathy treatment at any point of time.

4.The learned Government Advocate (Crl. side) for the
respondent strongly opposed this petition on the ground that
the necessary documents have not yet to be completed.

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5.Considering the said undertaking given by the petitioner and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before the respondent police daily 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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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

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- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.
- 2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
GUZILIAMPARAI POLICE STATION,
DINDUGAL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11867 of 2021
Date :14/09/2021

RK/VR/SAR-III (24.09.2021) 3P 5C