



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.09.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13244 of 2021

Joseph Thentral

... Petitioner/Accused

Vs

State rep.by

The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.211 of 2021)

... Respondent/Complainant

For Petitioner : M/s.H.Arumugam, Advocate.

For Respondent : M/s.T.Senthilkumar
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 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420 IPC r/w Section 15(3) of Indian Medical Council Act, 1956 and Section 13(1) of Tamil Nadu Private Clinical Establishment Act, 1997 in Crime No.211 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is the Joint Director of Health Service, Thoothukudi, has given a complaint, wherein, it is alleged that one Joseph Thentral, who is not a registered medical practitioner had been practicing allopathy medical treatment and prescribing medicines to the general public. Therefore, on 19.08.2021 at about 07.30 p.m, the de-facto complainant along with other officials, conducted surprise



inspection and found that the petitioner kept allopathy medicines and injections. He was not found at the time of inspection. Therefore, this complaint was given for taking action against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner is a professional physiotherapist having a degree of Bachelor of Physiotherapy in the year 2008 and he is running the physiotherapist clinic namely "Yesa" for more than 10 years. He further submitted that he has also filed an undertaking affidavit stating that he will never indulge in the practice of allopathy treatment at any point of time.

4. The learned Additional Public Prosecutor for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5. Considering the 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge 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 Judge 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 the 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 Judge/ 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 Judge/ 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/-
22/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUMUGAM H Advocate SR.No.6523

ORDER
IN
CRL OP (MD) No.13244 of 2021
Date :22/09/2021