



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2435 of 2022

Devaraj

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Veppanapalli Police Station
Krishnagiri District.
(Crime No.249 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.249 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

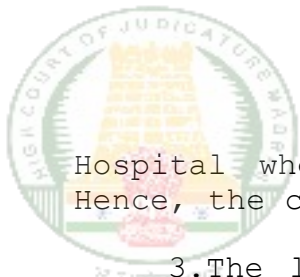
For Respondent : Mr.N.S.Suganthan
(Government Advocate Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.12.2021 for the offences under **Sections 174 Cr.P.C. @ 336, 304 (ii), 420, 27(b)(ii) of IPC r/w 15 & 15(3) of Indian Medical Council Act 1956 and Sections 3 & 6 of I.M.C. Decree Act of 1916**, in Crime No.249 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was already suffering with fits for more than 15 years and he was taking treatment at Bangalore hospital. In that situation, the deceased was suffering with heavy fits problem. Hence, the family members gave some medicines but no progress in his health. Hence, the deceased was taken to a medical shop near the village and asked the petitioner to give some medicines. Hence, the petitioner gave some tablets and injection to the deceased. Thereafter, the deceased was recovered. But again he suffered with fits. Hence, he was taken to a Government



Hospital wherein it was informed that the deceased already died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is running a medical shop for about 3 years and he has not committed any offence as alleged by the prosecution. The deceased was already suffering with some ailments and was taking treatment in some other hospital and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 90 days from 27.12.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is running a medical shop and acted as a fake doctor and gave some treatment to the deceased person who was already suffered with certain ailments and due to the wrong treatment, he died but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his **own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison**, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.249 of 2021 and on such deposit**, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Krishnagiri, within 15 days from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(d) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(e) the legalheir of the deceased is permitted to withdraw the deposit amount of Rs.1,00,000/- (Rupees One Lakh Only) on proper identification and acknowledgement.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-
03/02/2022

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,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

CC to M/S M.JAYACHANDRAN Advocate on payment of necessary
charges

CRL OP.2435/2022

Date :03/02/2022

TA-04/02/2022