



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of April Two Thousand Twenty Two

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PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.8603 of 2022

A.JEYARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT
CRIME NO.179/2022

[RESPONDENT]

For Petitioner : M/S. P.KALIMUTHU Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

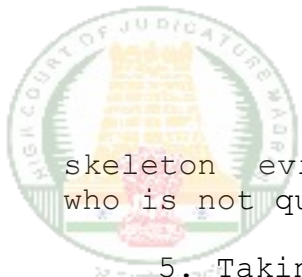
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 420 of IPC and 15(3), 15(2), (a), 15(2), (b) of Indian Medical Council Act 1956, in Crime No.179 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein arrayed as a accused based on the complaint given by the Chief Civil Surgeon, Medical Officer, Government Hospital Thirupur alleging that he is practising allopathy medicine without any qualification and search of his house has lead to recovery of allopathy medicine used and un-used syringe.

3. The counsel for the petitioner would submit that the petitioner is a registered Homeopathy Doctor and nothing recovered from his possession and he was called to the police station based on the complaint given by one Dr.Prabakaran was opened the clinic in the name of Subam clinic and due to his pressure, the case has been registered against him. However, the learned Government Advocate (Crl.side) furnishing list of medicines seized from the residence of the petitioner. Further, he would submit that the nature of the medicines recovered from the petitioner's house and syringe is the



skeleton evidence of practising allopathy medicine by the petitioner who is not qualified.

5. Taking note of the fact and the age of the petitioner and the nature of the medicine alleged to recovered from the residence of the petitioner and quantity of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of fifty (50) days;

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

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

(f) 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 is 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



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

-sd/-

13/04/2022

WEB COPY
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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
DHARAPURAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges
Sr.5788

CRL OP.8603/2022

Date :13/04/2022

RVR 20/04/2022