



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.12902 & 12763 of 2022

G.PARIMALAM

[PETITIONER / ACCUSED
IN CRL.O.P.No.12902/2022]

SATHIK

[PETITIONER / ACCUSED
IN CRL.O.P.No.12763/2022]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.411 OF 2022)

[RESPONDENT
IN BOTH PETITIONS]

For Petitioner : M/S.E.BALAMURUGAN Advocate
[IN BOTH PETITIONS]

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 304(2) of IPC read with Section 15(3) Indian Medical Council Act, 1956 in Crime No.411 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the Medical Officer, Veppur, has lodged the complaint stating that on 07.05.2022, Dr.Sathiyaseelan, who was running Thara Medical, Veppur, has given wrong treatment to the daughter of the defacto



complainant who is aged about 5 years due to which, she died. The Regional Medical Officer has stated that the Doctor was a fake Doctor and requested to verify the authenticity of the documents obtained from the owner of Thara Medical during the inspection by the Chief Medical Officer, Veppur, and to take action against the said Doctor who ran the clinic without CEA (Clinical Establishment Act) Registration.

3. The learned counsel for the petitioners submitted that as far as the petitioner in CrI.O.P.No.12902 of 2022 is concerned, he is the owner of the premises in which the said Doctor ran the clinic and he is nothing to do with the offence committed by the said Doctor. The said Doctor had shown the Registration Certificate and believing his words, he was allowed to run the clinic. As far as the petitioner in CrI.O.P.No.12763 of 2022, he is running the medical shop after completing B.Pharm in the year 1997 and got valid license from the Medical Board and he is nothing to do with the person who treated the victim and that he had given the medicines on the basis of the Doctor's prescription. Even according to the prosecution, the Doctor who was practicing Alopathy Medicine, without any proper qualification has administered the injection on the victim. Hence, he prays to grant anticipatory bail to the petitioners.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. A perusal of the FIR shows that the FIR has been registered against the person who treated the victim. Subsequently, the petitioners who permitted the said Doctor to run the clinic in their premises and the owner of the medical shop have been implicated as accused. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioners is not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Virudhachalam, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
10/06/2022

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.I, VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.E.BALAMURUGAN Advocate on payment of necessary charges SR.NOS.8982 & 8981

CRL OPS.12902 & 12763/2022

Date :10/06/2022

JPA 20/06/2022