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Crl.O.P.No.15662 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC r/w. Sections 15 and 15(3) of Indian Medical Council Act, 1956, in Crime No.215 of 2022 on the file respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant being one Dr.N.Sivakumar, M.D., had given complaint based on the verification done by him along with other person at the petitioner's clinic. Thereafter, based on the complaint the respondent police registered the case alleging that the petitioner had falsely declared himself as a Doctor and he has practised as Doctor by running a clinic and the petitioner had badly damaged the society. Hence, this complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner had not anywhere declared that he is a Doctor or was running a clinic as alleged by the de-facto complainant. He further submitted that the petitioner is an innocent person and no way connected with the offence and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that without any valid certification and without any proper clarification the petitioner has been treating the patients. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the learned counsel appearing for the petitioner submitted that the petitioner is working as compounder under the de-facto complainant. Due to the Covid-19 pandemic situation he stopped his job. During the lock down period whenever, the patients came before him for taking injection as prescribed by the Doctor, he used to put injection to the patients.



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6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sirkazhi, on condition that the petitioner shall execute separate 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 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 petitioner 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 petitioner shall report before the respondent police daily at morning 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation.

[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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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