



Crl.O.P.No.25351 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 15, 15(3) of Indian Medical Council Act 1956 and 336 and 420 of IPC in Crime No.130 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one Dr.Gnana Meenakshi, lodged a complaint stated that the petitioner running the alopathy clinic near Athimugam Bus Stand without having sufficient qualification. on 06.10.2022, District Joint Director, Krishnagiri along with the respondent formed a team to arrest the petitioner but the clinic found locked, in the presence of the Village Administrative Officer, they opened the clinic found BP Appratus, Stethoscope and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is having Diploma degree in Nursing and he enrolled his name



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in the Karnataka State Nursing Council and issued certificate bearing registration No. 83851. Further, he submitted that the petitioner do service to the remote place where the people deprived to get medical assistant. Hence, he prays to grant anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner is having one previous case in similar nature. Hence, he prays to dismiss this petition.

5. Considering the facts and circumstances of the case and also the fact that investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.1, Hosur**, on condition that the petitioner shall execute a 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



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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 on every Saturday at 10.30 a.m., for a period of three months and file an undertaking affidavit in which he will not run any medical clinic or give treatment to people.

[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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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