



Crl.O.P.No.25619 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.25619 of 2022

Boopalan

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Tiruttani Police Station.
Thiruvallur District.
(Crime No.463/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.463
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Johnson

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2022, for the offences punishable under Sections 417, 419, 420 of IPC r/w 15(3) Indian Medical Council Act in Crime No.463 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner without having requisite qualification practised allopathy medicine. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner's wife one Manjula is a registered Pharmacist having certificate issued by the Tamil Nadu Pharmacy Council and she is running a medical store and the petitioner was helping her. He would also submit that there is no bad antecedents as against the petitioner and he is in custody from 25.09.2022 and hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner without having any requisite qualification, have prescribed allopathy medicines. He would further submit that there is no previous case as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking note of the fact that there is no previous case as against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruttani, Tiruvallur District**, and on further conditions that:

[a] 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

- 1.The Judicial Magistrate,
Tiruttani, Thiruvallur District.
- 2.The Sub Inspector of Police,
Tiruttani Police Station.
Thiruvallur District.
- 3.The Sub Jail,
Tiruttani.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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