



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3612 of 2022

Subbal Mirtha

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District
(Crime No. 20 of 2022).

... Respondent/Complainant

For Petitioner : M/s.SENTHILKUMAR.R.,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.20 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 04.02.2022 for the offences punishable under Section 420 IPC and Section 15(3) of Indian Medical Council Act, 1956, in Crime No.20 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.02.2022, the de-facto complainant conducted a search in Jansi Herbal Clinic run by the petitioner herein. During the inspection, he found that the petitioner gave treatment for piles and fissures and prescribed medicine to the general public without any required qualification and registration with the Indian Medical Council Board. Hence, the complaint.

3.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an affidavit sworn by the petitioner before the Superintendent, District Jail, Virudhunagar and wherein, he undertakes not to indulge in any kind of doing profession as alleged by the de-facto complainant/respondent police and abide by the conditions which are to be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the investigation is not yet completed.



5.Considering the nature of charges levelled against the petitioner and also the fact that the petitioner is in judicial custody from 04.02.2022 and also taking note of the undertaking affidavit given by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall not practice/indulge in any kind of medicine in future. If he violates the direction, the respondent police is at liberty to take necessary steps for cancellation of bail immediately;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]**.

(vii)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/03/2022

/ TRUE COPY /

01/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
SUB JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHILKUMAR.R. Advocate SR.No.1592

ORDER

IN

CRL OP(MD) No.3612 of 2022

Date :01/03/2022

SA/VR/SAR.3/01.03.2022/3P/7C