



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18768 of 2022

Murugananatham

... Petitioner/ Sole Accused

Vs

The State rep.by
The Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
(Crime No.68 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Poornachandran S,
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.68 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/ Sole Accused, who was arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 417, 420 of IPC and Section 15(3) of the Indian Medical Council Act, 1956, in crime No.68 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the defacto complainant along with other officials conducted a search in Anand Clinic being run by the petitioner and found that the petitioner does not possess adequate education qualification for providing Allopathy Treatment to the general public and he possesses only Siddha Certificate and some Allopathy medicines were found in the petitioner's hospital. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Ayush Doctor (Siddha Doctor) and he used to treat his patients by using siddha medicines only. He would further submit that petitioner is an innocent person and he did not commit



any offence as alleged by the prosecution and the petitioner in judicial custody from 14.09.2022 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor strongly opposed for grant of bail to the petitioner stating that the petitioner is doing allopathy treatment to the general public without possessing adequate qualification. He would further submit that major part of the investigation is over.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that major part of the investigation is over, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 learned Judicial Magistrate, Karaikudi.

(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 report before the respondent police on every Sunday at 10.30 a.m., until further orders;

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

iv)the petitioner shall not abscond during trial.

v)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].

sd/-

20/10/2022

/ TRUE COPY /

20/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE OFFICER INCHARGE
SUB JAIL, THIRUPATHUR.

4 THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.11765

ORDER

IN

CRL OP(MD) No.18768 of 2022
Date :20/10/2022

cp
SA/SBN/SAR. /20.10.2022/3P/7C