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Crl.O.P.No.7257 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7257 of 2023

Blessy

... Petitioner

Vs.

The State of Tamil Nadu
rep. by the Inspector of Police
Uthiyur Police Station
Tiruppur
Crime No.23 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.23 of 2023 on the file of
the respondent.

For Petitioner : Mr.Deepan Uday

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.02.2023 for the offences punishable under Sections 420 IPC read with
Section 15 of the Indian Medical Council Act, in Crime No.23 of 2023 on
the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner who was possessing qualification of Diploma in Lab Technician, by posing herself as a Allopathy Doctor, has prescribed English medicines in Uthiyur Village. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent lady and she was only running a Lab, whereas, she has been arrested as if, she was practising Allopathy medicine. He would further submit that the petitioner has been in judicial custody from 28.02.2023 and hence, he would pray to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner without possessing requisite qualification, posed herself as Alopahy Doctor and prescribed Allopathic medicines to the public. Further, the petitioner has got one previous case and facing trial in C.C.No.11 of 2018 on the file of Judicial Magistrate, Palladam.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to her defense and contentions, is ready and willing to deposit an amount of Rs.20,000/- as non- refundable deposit



to any welfare scheme of the Government as may be directed by this Court and prayed for grant of bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** by way of Demand Draft/RTGS/NEFT to "The Dean, Government Medical College and Hospital, Tiruppur" without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Kangeyam, Tiruppur 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 06.30 p.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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

31.03.2023

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To



1. The Judicial Magistrate, Kangeyam, Tiruppur District
2. The Inspector of Police
Uthiyur Police Station
Tiruppur
3. The Women Central Prison, Coimbatore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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