



Crl.O.P.No.8656 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 IPC & 27(b) (ii) of Drugs & Cosmetics Act, 1940 in Crime No.94 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was practising as a doctor without studying MBBS and treating the patients and therefore, the defacto complainant sealed the clinic. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has nothing to do with the said allegation and he has been falsely implicated in this case. He further submitted that the petitioner acquired degree in medicine from Kazhakastan and he has been waiting to clear eligibility test to be conducted by Government of India. The petitioner also prepared to file an affidavit that she would not practice medicine without clearing eligibility test. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Having regard to the facts and circumstances of the case and the nature of the allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is directed to file an affidavit before the concerned Magistrate stating that she would not practice till she clear the eligibility test conducted by the Government of India

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Hosur**, on condition that the petitioner shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] The petitioner shall file an undertaking affidavit before concerned Judicial Magistrate that she would not practice medicine without clearing eligibility test conducted by Government of India for students who acquired medical degree in foreign institutions.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent Police Station daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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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].

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

05.05.2023

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