



Crl.OP.No.9459 of 2023

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**S.SOUNTHAR, J.**

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC r/w 15 (3) of Indian Medical Council Act, 1956 in Crime No.69 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 08.04.2023 at 5 P.M, the defacto complainant had inspected the petitioner's medical shop where they found Gentamicin vial and 4 used 2ml syringes in dustbin. Thereafter, they saw petitioner's medical shop wall in which 2 Doctors name was written. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that the complaint arises out of prior enmity between the petitioner and one Venkatesan. The learned counsel would submit that infact the inspection



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team found Gentamicin vial and 4 used 2ml syringes in the dustbin which was placed outside the shop. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has committed offences as alleged and opposed to grant anticipatory bail to the petitioner.

5. Having regard to the allegation made against the petitioner and also the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate I, Dindivanam, Villupuram District, on condition that the petitioner shall execute 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



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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 and 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not abscond 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



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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.

05.05.2023

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