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Crl.O.P.No.9479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9479 of 2023

P.Murugesan

... Petitioner

Vs.

State rep. by the
The Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District
(Crime No.71 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.71 of
2023 on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

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

ORDER

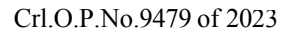
The petitioner, who was arrested and remanded to judicial custody
on 05.04.2023, for the offences punishable under Sections 15(3) Indian
Medical Council Act, 1956 & 420 IPC @ Sections 420 IPC and 34(2) of
National Medical Commission, in Crime No.71 of 2023 on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that on 05.04.2023 at about 04.45 p.m., when the defacto complainant/the Joint Director of Health and Rural Services, Dharmapuri and his team were on raid at Nallampalli Village, they found the petitioner/accused running a Clinic in his house and illegally practicing Alopathy medicine without possessing requisite qualification. Further the accused was in possession of some drugs and medical equipments. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that the petitioner's son is a registered Homoeopathy Medical Practitioner vide registration No.3312/2009 and that the respondent visited the house of the petitioner and falsely registered a case against the petitioner. He would further submit that the petitioner has been in judicial custody from 05.04.2023 and without prejudice to his rights and defence, the petitioner is ready and willing to deposit a sum of Rs.20,000/- to any welfare scheme run by the Government as may be directed by this Court and hence, he prayed for grant of bail to the petitioner.



7. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of RTGS/NEFT to the credit of "M/s.The Tamil Nadu Juvenile Justice Fund, Account Number : 358001000000671, IFSC Code : IOBA0001288, MICR:600020073, Indian Overseas Bank, SME Kilpauk Branch, 20,



Ormes Road, Kilplauk, Chennai-600 010", 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 his 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 No.II, Dharmapuri**, 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 10.30 a.m. for a period of four weeks and thereafter, every Saturday at 10.30 a.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;



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[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 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.

28.04.2023

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To

1. The Judicial Magistrate No.II, Dharmapuri
2. The Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District
3. The Sub Jail, Dharmapuri
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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