



WEB COPY



CrI.O.P.No.9480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

CrI.O.P.No.9480 of 2023

C.Munusamy

... Petitioner

Vs.

State rep. by the
The Inspector of Police
Pennagaram Police Station
Dharmapuri District
(Crime No.67 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.67 of
2023 on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.04.2023, for the offences punishable under Sections 15(3) Indian
Medical Council Act, 1956 @ 15(3) Indian Medical Council Act, 1956 and
420 IPC @ into Sections 420 IPC and 34(2) of National Medical Commission
Act, in Crime No.67 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.04.2023 at about 01.45



p.m., when the defacto complainant/the Resident Medical Officer, Government Hospital, Pennagaram and his team were on raid, they found the petitioner/accused running a Clinic in the name of Rajan Elector & Homeopathy Clinic (Registration No.1986) and has practiced Allopathy medicine without having valid license. Further, some drugs were also seized from the said clinic. 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 the petitioner's son namely M.Rajan was a qualified Electropathy/Electrohomeopathy Medical Practitioner and he was running the clinic in the said place. While so, he died in Covid 2nd wave and thereafter, the clinic was kept closed and that the respondent has falsely registered the case against the petitioner. He would further submit that the petitioner has been in judicial custody from 06.04.2023 and without prejudice to his rights and defence, the petitioner is ready and willing to deposit a sum of Rs.10,000/- 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.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the



petitioner without having requisite qualification, had practiced Alopahy medicine.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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



Crl.O.P.No.9480 of 2023

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,**
Pennagaram, 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;



CrI.O.P.No.9480 of 2023

[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

ksa-2

To

1. The Judicial Magistrate, Pennagaram
2. The Inspector of Police
Pennagaram Police Station
Dharmapuri District
3. The Sub Jail, Dharmapuri
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9480 of 2023

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.9480 of 2023

28.04.2023