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CrI.OP.No.10198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.10198 of 2023

Saravanan

..Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.87 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concern in Crime No.87 of 2023 on the file of The Inspector of Police, Kambainallur Police Station, Dharmapuri District.

For Petitioner	: Mr.C.Prabakaran
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.04.2023 for the offence punishable under Section 420 of IPC r/w Section 15(3) of Indian Medical Council Act @ Section 420 of



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IPC r/w Section 34(2) of National Medical Commission Act, in Crime No.87 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a Chief Medical Officer, Government Hospital, Harur, Dharmapuri. When the defacto complainant conducted an inspection, it was found that the petitioner is having his own building in Bazaar Street, Kambainallur Town, providing allopathic treatment to the patients without having any permission and educational qualification. The defacto complainant also seized the medical equipments such as Stethoscope, Nebulizer Machine, BPAP Pratud. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant is a Chief Medical Officer, Government Hospital, Harur, Dharmapuri. When the defacto complainant conducted an inspection, it was found that the petitioner is having his own building in Bazaar Street, Kambainallur Town, providing allopathic treatment to the patients without having any permission and educational qualification. The defacto complainant also seized the medical equipments such as Stethoscope, Nebulizer Machine, BPAP Pratud. He also submitted that the petitioner is having one previous case pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 13.04.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond 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 District Munsif cum Judicial Magistrate Court, Karimangalam, Dharmapuri 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[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 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]**.



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

05.05.2023

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To

- 1.The District Munsif cum Judicial Magistrate Court, Karimangalam, Dharmapuri District.
2. The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.

G.K.ILANTHIRAIYAN, J.



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