



Crl.O.P.No.10336 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC 1860, r/w 15(3) of Indian Medical Council Act, 1956 in Crime No. 127 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dr.Dineshkumar, Senior Assistant Surgeon, Government Hospital, Idappadi is that, he received information that the accused without necessary qualification had practised Allopathy and when he conducted the inspection, the defacto complainant was informed that the accused had gone to Salem for taking treatment. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that when the address of the petitioner was searched, it did not belong to the petitioner and even as



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per the prosecution, he was not at all present at the scene of occurrence and thereby he would seek for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had practised allopathy medicine without necessary qualification. He would further submit that the petitioner has got one previous case similar in nature. Hence, he objects for grant of anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner submit that the custodial interrogation of the petitioner may not be required and that the petitioner without prejudice is ready and willing to deposit a sum of Rs.25,000/- to any welfare scheme of the Government.

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

6. Considering the above fact and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/-



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to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) totally, to the credit of **"The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College Hospital, Salem"**, and on such deposit and on receipt of proof of payment, 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 No.IV, Salem** on condition that the petitioner shall execute 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 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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