



Crl.OP.No.12710 of 2023

A.D.JAGADISH CHANDIRA, J.

WEB COPY

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC r/w Section 15(3) of Indian Medical Council Act, 1956 in Crime No.276 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner is not having requisite qualification was having practising allopathy medicine. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a Homeopathy Doctor and he was only practicing Homeopathy medicine, whereas the allopathy Doctors in the village who were antagonized has given a false complaint. Based on which, a case has been registered. He further submitted that without prejudice, the petitioner is ready and willing deposit a substantial amount to welfare scheme as may be directed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having requisite qualification was having practising allopathy medicine. Hence, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and circumstances of the case, and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** either through RTGS/NEFT or in cash to the credit of *The Head Master, Panchayat Union Middle School, Vengathur, Tiruvallur District*. On such deposit and production of proof, 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, Mayiladuthurai** 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/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter on every Saturday 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] 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, as laid down by the



WEB COPY



Crl.OP.No.12710 of 2023

Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala*
[(2005) AIR SCW 5560]; and;

[f] if the petitioner herein thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

Vv

13.06.2023



WEB COPY



Crl.OP.No.12710 of 2---

A.D.JAGADISH CHANDIRA, J.

Vv

Crl.OP.No.12710 of 2023

13.06.2023