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CrI.O.P.No.19229 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420 of IPC and Section 15(3) of Indian Medical Council Act, 1956 in Crime No.818 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that a complaint had been given by the Joint Director, Medical and Rural Development, Tiruppur, who had called upon the petitioner to appear before him on enquiry along with certificate. On 18.07.2023 based on the complaints received from unknown persons, the complainant and his subordinate went for surprise inspection to his Hospital and enquired the owner of the hospital to get doctor's details. After enquiry it was found that the doctor was not fully qualified. Hence, the complaint.



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3. It is stated that the petitioner was running a hospital and was doing acupuncture treatment. It is stated by the defacto complainant the petitioner did not have necessary documents for the same. However, it is contended on behalf of the petitioner that the petitioner is Diploma Holder in Acupuncture.

4. The petitioner must give an undertaking that he would not further practice Acupuncture. If he is qualified, he must produce necessary documents to prove his qualification before the respondent. The respondent may issue notice to the petitioner herein to appear and produce the documents.

5. The learned counsel for the petitioners would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



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6. The learned Government Advocate (Crl. Side) would submit that the petitioner was not fully qualified to practice medicine. He vehemently opposed grant of anticipatory bail to the petitioner

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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, Palladam*, 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



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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.

[b] the petitioner shall report before the respondent police once in every week 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



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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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