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CrI.OP.No.23973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.23973 of 2023

Dhanalakshmi

.. Petitioner

Vs.

State Rep. by
The Inspector of Police
Alangiyam Police Station,
Dharapuram (TK)
Thiruppur District.
(Crime No.115 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the bail of the petitioner in Crime No.115 of 2023 on the
file of the respondent police.

For Petitioner : Mr.S.Mohamed Azharudeen Sharof

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2023 for the offence punishable under Sections 419 and 420 of IPC and Section 15(3) of Indian Medical Council Act, 1956 in Crime No.115 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner was not qualified to practice as a Doctor. But however, she had been running a clinic. It is also stated that this complaint has been preferred by the Joint Director of Medical and Rural Health Services at Tiruppur.

3.Taking all the factors into consideration and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

4.Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate, Dharapuram and on further conditions that:

[a] the sureties shall affix their photographs and



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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 file an affidavit of undertaking stating that she will not practice allopathy medicine;

[c] the petitioner shall report before the respondent police on every alternative day at 10.30 a.m., for a period of 10 days and thereafter, every Saturday at 10.30 a.m., till filing of the final report;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

17.10.2023

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C.V.KARTHIKEYAN, J.

vkr

To

1. The Judicial Magistrate, Dharapuram
2. The Inspector of Police
Alangiyam Police Station,
Dharapuram (TK), Thiruppur District.
3. The District Women Prison,
Thiruppur.
4. The Public Prosecutor,
High Court of Madras.

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