



Crl.O.P.No.32089 of 2022

Crl.O.P.No.32089 of 2022

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420 & 328 of IPC and Section 15(3) of Indian Medical Council Act, 1956, in Crime No.91 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner without any proper qualification, administered medicine to the pregnant lady, due to which, she was admitted in the hospital in an emergency situation. Hence the case.

3. Learned counsel for the petitioner submitted that this is the second bail application before this Court and this Court, had earlier dismissed the bail application of the petitioner in Crl.O.P.No.26001 of 2022 vide order dated 24.11.2022. He further submitted that the petitioner was running a pharmacy by appointing a registered pharmacist. He further submitted that due to the previous enmity, a false complaint was lodged as against the petitioner. He further submitted that the petitioner is ready to abide by any stringent



Crl.O.P.No.32089 of 2022

conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that without proper qualification, the petitioner prescribed allopathy medicine to the pregnant lady, due to which, the victim fell sick and admitted in the hospital. He also stated that there is a previous as against the petitioner and this is her second bail application. He also submitted that the investigation is almost completed, however, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.32089 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Attur, Salem**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 stands 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 on every Saturday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

T.V.THAMILSELVI,J.



WEB COPY



Crl.O.P.No.32089 of 2022

ham

[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.

03.01.2023

ham

Crl.O.P.No.32089 of 2022