



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.04.2023

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PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD)No.8247 of 2023

Nagarajan

... Petitioner/sole accused

Vs

State Represented by
The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
(Crime No.71 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

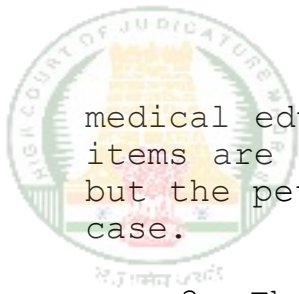
PRAYER :-

For Anticipatory Bail in Crime No.71 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, 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, in Crime No.71 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Village Administrative Officer of Ammankurichi Taluk. On 19.04.2023 at about 02.00 pm., the defacto complainant along with Village Assistant went to Nagarapatti for field inspection. When getting phone call, the defacto complainant went to nearby Pillaiyarkovil street of Nagarapatti and then, he found the petitioner, who sat in the chair with stethoscope. The defacto complainant asked about the proof of his medical education and the petitioner said that there is no proof. Thereafter, it was found that the petitioner was practicing medicine illegally without any



medical education and training and also in the shop various items are found and the same was seized by the defacto complainant, but the petitioner escaped from the scene of occurrence. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The Medical Shop namely Sree Saibaba Medical is running by one N.Ramalingam and P.Dineshkumar is the in-charge of said medical shop.

4. Heard and perused the materials available on records including the First Information Report.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 District Munsif cum Judicial Magistrate, Ponnamaravathi, Pudukkottai District, 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.

[b] the petitioner shall report before the respondent Police daily morning at 10.30 am., for a period of two weeks and thereafter, as and when required for interrogation.

[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.

sd/-
28/04/2023

/ TRUE COPY /

WEB COPY

/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PONNAMARAVATHI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SIVABALAN.K, Advocate (SR-7099[I] dated 28/04/2023)

ORDER
IN
CRL OP(MD) No.8247 of 2023
Date :28/04/2023

PKP/VR/SAR-4/17.05.2023/ **3P/6C**