



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17.05.2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD)No.8792 of 2023

Rajasekaran

... Petitioner/Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Karimedu Police Station,
Madurai City.
Crime No.418/2023

... Respondent/Complainant

For Petitioner : Mr.K.Muraleedharan, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Section 439 of Cr.P.C.

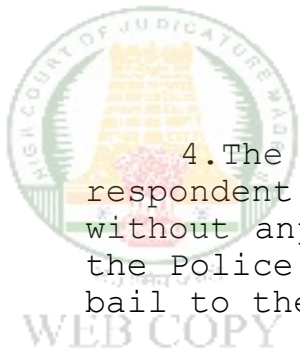
PRAYER :- For Bail in Crime No.418 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded judicial custody on 22.04.2023 for the offences punishable under Sections 419, 420 IPC and Section 15, 15(3) of the Indian Medical Council Act, 1956 in Crime No.418 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.04.2023, the defacto complainant, who is a Doctor and Head of Sholavanthan Government Hospital, along with his team members inspected the petitioner's residence and found that stethoscope, some tablets and some medicat things and they came to know that the petitioner has given treatment without any qualification. Hence, the present complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he never acted as Doctor as alleged in FIR and hence, he prayed bail for the petitioner.



4.The learned Government Advocate(Crl.side) appearing for the respondent submits that the petitioner acted himself as a Doctor, without any qualification and some medical things also recovered by the Police during investigation. Hence, he raised objection to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall file an undertaking affidavit stating that he will not act as a Doctor in future.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m., for a period of three months and thereafter every Saturday at 10.30 am., for antother period of three months, for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]**.

(vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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17/05/2023

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



1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURALEEEDHARAN.K Advocate SR.No.7418

ORDER

IN

CRL OP(MD) No.8792 of 2023

Date :17/05/2023

SA/VR/SAR. /17.05.2023/3P/7C