



CRL OP(MD). No.16031 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16031 of 2023

Shanmugasundaram

... Petitioners/ Accused
Rank not known

Vs

State represented by
The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District,
(*)Crime No.64 of 2023.

... Respondents/ Complainant

For Petitioner : M/s.VR.SHANMUGANATHAN,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in (*)Crime No.64 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police



CRL OP(MD). No.16031 of 2023

WEB COPY

for the offences under Sections 15(3) of Indian Medical Council Act, (**)Section 34 of the National Medical Council Commission Act, 2019 and 420 of IPC in (*)Crime No.64 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is practicing allopathy without basic education. As per the direction of the Joint Director, Health Service, Ramanathapuram, along with revenue officials, police officials and officers attached to the health department, inspected the house of the petitioner on 29.08.2023, at about 11 a.m. The petitioner was not present in the house. His son Chandrasekaran was alone present. On inspection they found, several allopathy medicines and instruments. On the basis of the inspection report, the complaint was filed upon which case has been registered.

3. Seeking anticipatory bail, this petition has been filed on the ground that the petitioner is a registered medical practitioner. The learned counsel for the petitioner is also produced certificate, wherein it is found that the petitioner is a registered medical practitioner on the State Council of Ayurvedic and Unani Medicines, registered in Certificate No.44100.

4. Learned Additional Public Prosecutor would submit that the petitioner is not having basic education, to practice allopathy.



CRL OP(MD). No.16031 of 2023

WEB COPY

5. Nodoubt that the petitioner is not having any basic education for practicing allopathy medicine.

6. Learned counsel for the petitioner would submit that the above said allopathy as well as other instruments were kept by him for the purpose of give treatment to his wife.

7. This statement cannot be taken into account at this stage. However, considering the fact that the petitioner is a registered medical practitioner and also having certificate registration No.44100, in unani, in this Court is inclined to grant relief to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously. If any failure is noticed, then without reference to the Court, the petitioner must be taken to custody.

9. The petitioner shall appear before the concerned Magistrate within a period



CRL OP(MD). No.16031 of 2023

of 15 days from the date on which the order copy is made ready, failing which, the
petition for anticipatory bail will stand dismissed.

sd/-
15/09/2023

(*)(**)Amended as per Order of the Court
dt.15/09/2023 in CrI.MP(MD).13312/2023 in
CrI.OP(MD).16031/2023.

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

<https://www.mhc.tn.gov.in/judis>



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CRL OP(MD). No.16031 of 2023

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-13803[I] dated 19/09/2023)

ORDER
IN
CRL OP(MD) No.16031 of 2023
Date :15/09/2023

SA/DD/SAR. /10.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.