



WEB COPY



Crl.O.P.No.502 of 2024

Crl.O.P.No.502 of 2024

C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468 of IPC and Section 15(3) of the Indian Medical Council Act, 1956 in Crime No.281 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant suffered fever, cold, body pain on 19.12.2023 and he went to the petitioner herein, who is running a clinic under the name and style of Sai Health Care at OMR Salai, Shozhinganallur. It is stated that after physical examination the petitioner had given injection as well as tablets. Thereafter, that the petitioner had put the seal of one Dr.Anandbabu. It is stated that the health of the defacto complainant became further affected and he suffered from giddiness and shivering. He then went over to the Kannagi Nagar Government Hospital and they sent him to the Royapettah Government Hospital. It is stated that thereafter the petitioner



CrI.O.P.No.502 of 2024

had threatened him and it was found that the petitioner does not have a MBBS degree. The defacto complainant had therefore given the complaint.

3.It the case of the learned counsel for the petitioner that the petitioner is a graduate having qualified in Ayurvedic Science and was giving treatment only under that line. But however, the respondent had registered the First Information Report.

4.Both the petitioner and the defacto complainant were directed to file affidavits. The petitioner had filed an affidavit, wherein he had stated as follows:

“3.I stated that as per law, I am entitled to practice Alopathy in addition to my degree for Siddha. Anyhow in obedience to order passed by this Hon'ble Court, I am filing this undertaking affidavit that by giving undertaking that I will not practice beyond the degree for which I am qualified and will not practice any other medicine till the disposal of Crime No.281 of 2023, pending



Crl.O.P.No.502 of 2024

WEB COPY

on the file of the respondent police.”

5.During the course of hearing, there was an allegation that the defacto complainant had went around posting comments in the social media and it was for that purpose the defacto complainant was also asked to file an affidavit. The relevant portion of the affidavit is as follows:

“2.It is submitted that the accused in the above crime number had filed petition for anticipatory bail before this Hon'ble Court in Crl.O.P.No.502 of 2024 and I filed Intervening application for the same in Crl.M.P.No.1129 of 2024 and on careful consideration of the same, I was directed to file an affidavit of undertaking that I shall never to every speak about this particular case in any social media or in any television or before any newspaper and restrict myself to tendering evidence during the course of trial and hence, I hereby solemnly affirm and sincerely states and undertakes that I would never to ever speak about this particular case in any social media or in any television or before any newspaper and restrict myself to tendering evidence during the course of trial alone.”



CrI.O.P.No.502 of 2024

WEB COPY

6.The learned counsel for the defacto complainant had stated that the defacto complainant had suffered partial blindness in his one eye.

7.The reason for the same could be anything. That can be determined only when the defacto complainant subjugates himself to the Medical Board and they examine him thoroughly. Thereafter, he always has the liberty to file any claim petition for compensation, provided he is within the law of limitation and the claim is not barred by any law. This Court cannot convert itself as a Court to grant compensation when the cause and the effect are too remote and even according to the defacto compensation he had suffered fever, cold, body pain, giddiness and shivering.

8.In the intervening petition there is no mention that the



CrI.O.P.No.502 of 2024

eyesight of the defacto complainant had been affected.

9.Observing as above, this Court is inclined to grant anticipatory bail to the petitioner, however the petitioner and the defacto complainant are directed to abide by their respective affidavit filed before this Court.

10.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 Judicial Magistrate, Alandur, 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.



CrI.O.P.No.502 of 2024

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

C.V.KARTHIKEYAN, J.

smv

[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.

27.02.2024

smv



WEB COPY



CrI.O.P.No.502 of 2024

CrI.O.P.No.502 of 2024