



Crl.O.P.No.14382 of 2024

T.V.THAMILSELVI, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 420 of IPC r/w Section 15 (3) of Indian Medical Council Act, 1956 in Crime No.362 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has obtained Diploma in Electropathy and he is treating his patients in his village for Electropathy treatment. It is alleged that he is not possessing valid certificate to practice the Electropathy treatment. Hence the complaint.

3.The learned counsel for the petitioner submitted that he is an innocent and he has not committed any of the alleged offence. Since the petitioner has got a good name and reputation from his patients in his village, the doctors in the said village become angry on seeing the development of the petitioner and his reputation, they have instigated the defacto complainant to foist a false case against the petitioner in order to prevent the petitioner from doing the Electropathy treatment in his clinic. He is having B.E.M.S. Certificate of the petitioner issued by N.E.H.M. of India. He undertakes that he will not use



English/Allpathic medicine or Homeopathy or Siddha medicines to treat his patients. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that without any qualification he administered allopathic medicines to patients. He has not enrolled with Tamil Nadu Medical Council or Ayush Medical Council. If he continues the practice it will become a danger to the patients. Hence the complaint was given by the Medical Officer, who conduct the investigation. Now the mater is under investigation. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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, Gingee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom one surety should be a blood surety, each for a like sum to the satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) File undertaking affidavit that he shall not practice any English/Allopathy medicine or Homeopathy or Siddha Medicines or Electropathy Medicines or any other Medicines to treat his patients;

(c) the petitioner shall appear before the respondent police on every alternate days at 10.30 a.m.;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the



WEB COPY



Crl.O.P.No.14382 of ----

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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

28.06.2024

ah



WEB COPY



Crl.O.P.No.14382 of ----

T.V.THAMILSELVI, J.

ah

Crl.OP.No.14382 of 2024

28.06.2024