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Crl.O.P.No.21729 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.21729 of 2024

Fathima

...Petitioner/A2

Vs.

The State Rep by
The Inspector of Police,
F3, Arambakkam Police Station,
Tiruvallur.
(Crime No.481 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.481 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Ponbalaji

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 20.08.2024 for the offences under Sections 319(2) and 318(4) of the BNS and r/w 15(3) of the Indian Medical Council Act, 1956, in Crime No.481 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, as information given by the District Joint Director, Health and Welfare Department, the defacto complainant suddenly inspected the SM Kauvery Hospital, which was located opposite to Subway GNT Road, Aarambakkam. Through this inspection, the defacto complainant came to know that the petitioner and other accused/A1 had studied only up to the 12th standard and practiced as medical practitioners. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 20.08.2024; and that the co-accused/A1 was released on bail. He further



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submitted that the petitioner is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are two accused in this case, the petitioner is arrayed as A2; and that the petitioner and the other accused were running a hospital without proper qualification. He further submitted that there are no previous cases pending against the petitioner; and that the co-accused/A1 was released on bail. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, the fact that already the co-accused was released on bail, the fact that there are no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned *District Munsif cum Judicial Magistrate, Gummidi poondi* and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of 30 days and thereafter, as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the Petitioner shall not commit any offences of similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

05.09.2024

dk

To

1.The District Munsif cum Judicial Magistrate
Gummidipoondi.

2.The Superintendent of Prison
Wome Central Prison
Puzhal.

3.The Inspector of Police
F3, Arambakkam Police Station
Tiruvallur.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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