



Crl.O.P.No.29287 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w 15(3) of the Indian Medical Council Act, 1956 in Crime No.202 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant received a secret information that petitioner is treating patients and prescribing Allopathic medicines without required qualification. During inspection, they found that the petitioner was in illegal possession of tablets, needles and syringes, which can only be prescribed by Doctors. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against



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him. He would further submit that the petitioner is a social worker and he was having medicines for the purpose of distributing to the poor people and the respondent police had registered a false case. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is 72 years old man. He was prescribing Allopathic medicine without requisite license. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



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6.Considering the facts and circumstances of the case and the submission that the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Titakudi**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily at 06.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 269 BNS.

22.11.2024

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