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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024



CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31333 of 2024

JABAS RAI @ TAPAS ROY,
SON OF KAKALI ROY, NO.1/1, MADHA KOVIL
STREET, ERAIYUR VILLAGE, VLUNDURPET TALUK,
KALLAKURICHI DISTRICT - 607 201

PETITIONER(S)

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE, ELAVANSOORKOTTAI
POLICE STATION, KALLAKURICHI DISTRICT.
CRIME NO. 308 OF 2024

RESPONDENT(S)

For Petitioner(s):

MAGESH KUMAR
M.SARATH KUMAR

For Respondent(s):

PUBLIC PROSECUTOR

ORDER

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 Section 15(3) of Indian Medical Council Act, 1956 in Crime No.308 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that, based on a complaint received that the petitioner is running a allopathy clinic without requisite qualification, the Medical Team Health headed by District Medical Officer conducted inspection in Calcutta Clinic at Eraiyur village and found medical prescription slips, needles, BP apparatus, Stethoscope, etc., were used in the said clinic. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and have not committed any offence and he has been falsely implicated in this case. He would further submit that, the petitioner has no previous case and the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the petitioner without any requisite medical qualification, runs an allopathy clinic in the name Calcutta Clinic and during inspection of the said clinic by the Medical Team headed by District Medical Officer, medical equipments, needles, prescriptions were found. He also submitted that the petitioner has no previous case.



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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 No.I, Ulundurpet at Kallakurichi District** on condition that the petitioner shall execute a separate 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.



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[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of B.N.S.

16-12-2024

stn

To

<https://www.mhc.tri.gov.in/judis> STATE REPRESENTED BY



THE INSPECTOR OF POLICE, ELAVANSOORKOTTAI
POLICE STATION, KALLAKURICHI DISTRICT.
CRIME NO. 308 OF 2024



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A.D.JAGADISH CHANDIRA, J.

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