



CRL OP(MD) No.1713 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Nineteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1713 of 2024

1 SELVAGANAPATHI

2 MAHALAKSHMI

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO.447/2022)

... Respondent / Complainant

For Petitioners : M/s.C.Senthil Murugan, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.447/2022 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police
for the alleged offence punishable under Section 420 IPC in Crime No.447 of 2022,



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seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is running a clinic in the name and style of Mahalingam Piles and Fistula Hereditary Ayurveda Vaithiyasalai. The petitioners are said to have engaged in traditional medicine, without possessing any valid qualification, in the very same name. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are having educational qualification to run clinic, however, they did not obtained permission under the Clinical Establishment (Registration & Regulation)Act. He would also submit that the petitioners filed an undertaking affidavit stating that they will not engage in traditional treatment in the name and style of Mahalingam Piles and Fistula Hereditary Ayurveda Vaithiyasalai. Accordingly, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and also considering the undertaking affidavit filed by the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., two weeks and thereafter, as and when required;

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

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

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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]; and;

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

sd/-
19/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

- 1.The Judicial Magistrate No.I,
Thanjavur.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-2116[I] dated 20/02/2024)

ORDER
IN
CRL OP(MD) No.1713 of 2024
Date :19/02/2024

ED/ VR /SAR- (28/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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