



CRL OP(MD). No.5769 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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S.Mariappan

... Petitioner/Sole Accused

Vs

State by
Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.124/2024.)

... Respondent/Complainant

For Petitioner : Mr.M.Michael Bharathi, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.124 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC and Section 15(3) of Indian Medical Council Act, in Crime No.124 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had been practicing medicine without having any appropriate qualification and enrolled in Medical Council. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. He further submitted that the petitioner had never practiced any allopathy medicine or treatment by violating the rights and powers conferred on him. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that allopathy medicines and other articles which is used by allopathy medical practitioner were seized from the petitioner's premises. He further submitted the petitioner is having two previous cases, in which, one case was disposed of as mistake of fact.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioner, this Court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. 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 No.1, Sivakasi, Virudhunagar District, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by



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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 229-A IPC.

sd/-
24/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The Judicial Magistrate No.I,
Sivakasi, Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-5864[I] dated 27/05/2024)



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ORDER

IN

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Date :24/05/2024

ED/ VR /SAR- (29/05/2024) 5P / 6C

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