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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18834 of 2024

K.Dhinakaran,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Thideer Nagar Police Station,
Madurai City, Madurai District.
(Crime No.356 of 2024)

... Respondent/ Complainant

For Petitioner : G.M.Xavier,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 356 of 2024 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 319(2), 318(4) BNS and 15(3) Indian Medical Council Act, 1959 in Crime No. 356 of 202024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.09.2024 investigating was carried out at Visakha Hospital, as per the instructions of the District Collector. During the inspection, the said hospital has not obtained the registration certificate as per the Tamil Nadu Medical Establishment Act, 1997. Hence, the case was registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

4. Heard the learned Additional Public Prosecutor(Cri.Side) appearing for the respondent.

5. Considering the allegation against the petitioner that without proper qualification the petitioner was practicing allopathy medicine and that there is no other bad antecedents against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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6. Accordingly, the Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest or his appearance, on executing 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 learned Judicial Magistrate No.V, Madurai.

[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.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/10/2024

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/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.18834 of 2024
Date :29/10/2024

MGJ/SKN(15.11.2024) 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023