

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Thursday, the Fourteenth day of May Two Thousand Twenty

Present

E. Pravin Kumar. B.A.,B.L.,

JM V, Madurai.

e- Crmp 5 /2020

T.M. Kannan

S/o. Muthukrishnaaiyar

.... Petitioner/Accused

Vs

State rep. by Inspector of police,

S. S. Colony Police Station

Crime No. 1070/2020.

U/sec. 419, 420 IPC and 15(2) (3) IMC Act, 1956

@ 419, 420, 471, 465 IPC and 15(2) (3) IMC Act, 1956

.... Respondent/Complainant

For petitioner/accused: Mr. P. Kumaravel , Advocate (MS 1187/2014)

For Respondent/Complainant: Mrs. Thilagarani, Grade II Assistant Public Prosecutor

14-05-2020

Order

1) The petitioner/ accused filed this petition seeking for Bail U/s. 437 Crpc in Crime No. 1070/2020. U/sec. 419, 420 IPC and 15(2) (3) IMC Act, 1956 @ 419, 420,

471, 465 IPC and 15(2) (3) Indian Medical Councils Act, 1956. Notice was given to the other side. Heard both side arguments.

2) The learned counsel for the petitioner argued that the accused was remanded on 29-04-2020 and he is in custody for the past 16 days. This case has been wrongly foisted against the accused. No person affected by the accused has lodged complaint against the accused. There is no previous case against the accused. Further the petitioner is a senior citizen aged about 60 years. He is having physical ailments. He hails from a respectable family, hence there is no chance of absconding and tampering with the witnesses. Further the police has not applied for police custody till date to investigate the accused, if any investigation is needed Hence considering the age of accused and other facts the bail application may be allowed.

3) The prosecution in their reply and in their argument has stated that, the investigation is pending in stage. Even though the petitioner is aged person and there is no previous case, the gravity of the offence committed by the accused and the impact of such offence against this society has to be considered. For the past 20 to 30 years the petitioner has been running a clinic stating himself to be a doctor, though he has studied only 11th standard. The present status of the persons who took treatment from the petitioner has to be investigated further. The properties that the petitioner has bought from the money he obtained through the clinic has to be investigated. Further the petitioner has treated even government servants and bought many medicines, referred many persons to various Scan centers. Those details are to be investigated. Hence granting bail to the accused would hinder investigation. There are chances the accused could abscond and hide his properties. Hence considering all the above facts the petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case, gravity of offence and the social threat that could be caused by the offence stated to be committed by the accused. Though the accused is of old age, it cannot be a sole ground for bail when the offence alleged to be committed affects the larger interest of society. Further the case is under investigation stage. Upon considering the entire facts, the arguments that the accused could abscond and tamper the witness and documents takes relevance.

5) Hence considering all the above facts and materials, this court is not inclined to grant bail to the accused at this stage of the case. Hence in the interest of justice this bail application is dismissed.

(S/d) E. Pravin Kumar
Judicial Magistrate No. V,
Madurai