

GAHC010204442023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3195/2023

PARAMESH CHAKRABARTY
S/O. LT. LAKSHMI KT. CHAKRABORTY, R/O. HOUSE NO. 12, SANKARDEV
SETU BETKUCHI, GORCHUK, GUWAHATI WEST, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

20.09.2023

Heard Mr. A. Bhattacharya, learned counsel for the accused and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Sri Paramesh Chakrabarty**, who has been languishing in jail hazot since 04.09.2023, in connection with the **Fatasil Ambari P.S. Case No. 202/2023**, under Sections 419/ 420/468/471 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Abhijit Neog, on 21.06.2023. The essence of allegations made in the FIR is that the accused without having registration in the Indian Medical Registry, practicing as a fake General Physician and prescribing Schedule-H Drugs and allopathic medicine at Charulakshmi Medical, Jyotikuchi Tiniali, Lakhra Road on the strength of some certificates from dubious and unrecognized institutes.

4. Mr. Bhattacharya, learned counsel for the accused submits that the accused was arrested on 04.09.2023, and since then he has been languishing in jail hazoot for last 13 days. Mr. Bhattacharya further submits that the accused, though not authorized to practice in Allopathic Medicine, yet he is authorized to practice alternative medicine and that the relevant documents have already been seized by the IO and his further custodial detention may not be required, in the interest of investigation. Mr. Bhattacharya also submits that the accused undertakes not to repeat such offences in future and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Parasar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and that he used fake registration certificate and also prescribed Allopathic Medicine for which he is not authorized to and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested in this case on 04.09.2023. And since then, he has been languishing in jail hazoot for last 13 days. Further, it appears from the case diary that the IO has achieved substantial progress in the investigation of the case and relevant documents have already been seized and witnesses have

already been examined.

8. Under the aforesaid facts and circumstances, this Court is of the view that further custodial detention of the accused seems to be unwarranted here in this case. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup (M) at Guwahati**, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant