

Court No. - 73

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13122 of 2023

Applicant :- Gopal Kumar And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ali Hasan, Manish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. The present anticipatory bail application has been moved for the offence under Section 15(2) of Indian Medical Council Act, 1956. Section 15(3) of the aforesaid act reads as under :-

"(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. "

2. Hence, the maximum period of imprisonment which can be awarded under Section 15(2) of the Indian Medical Council Act, 1956 is for one year. According to the Schedule mentioned in the Code of Criminal Procedure where a criminal matter is punishable with imprisonment less than three years or with fine only it shall be treated as a non-cognizable and bailable matter.

3. In view of that, the present matter falls within the purview of a bailable offence for which, anticipatory bail application is not maintainable. Hence, no need to proceed further in this matter.

4. The application being not maintainable is hereby **disposed of** accordingly.

Order Date :- 29.11.2023

Shivangi