

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1221 of 2014

Ravishankar S/o Melaram Aged About 27 years R/o Vill. Sothi, P.S. & Tah. Sakti, Civil & Rev. Dist. Janjgir-Champa C.G.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Sakti, Dist. Janjgir-Champa C.G.

---- Respondent

And

MCRCA No. 136 of 2015

Smt. Shakun Goyal W/o Shri Ravi Shankar Goyal Aged About 25 years R/o Sautho, PS and Teh. Sakti, District Janjgir Champa C.G.

---- Applicant

Versus

The State Of Chhattisgarh Through Station House Officer Police Station Sakti District Janjgir Champa C.G.

---- Respondent

For Applicants - Shri Shailendra Dubey, Advocate
For Respondent/State - Shri R.K. Gupta, Dy. A.G.

Order On Board

09/07/2015

Heard

Both the applications are being decided by this common order as they arise out of the same crime number.

2. The applicants are apprehending their arrest in connection with Crime No.419/2014 registered by Police Station-Sakti, District- Janjgir-Champa (C.G.) for alleged commission of offences under Sections 419, 420, 467, 468, 34 of IPC.
3. Case of the prosecution against the applicants are that the applicants have

cheated large number of aspiring candidates by fraudulently representing that they will be providing training in various courses of community medicines and the course was so structured as to give an impression that those who obtained training in the training institute, would be entitled to practice as MBBS doctors. The allegation against the applicant-Ravishankar is that he has been practicing by falsely representing himself to be an MBBS doctor showing the particular registration number though he has not been registered with Medical Council of India and he has been prescribing Allopathic Medicines to patient and thus, without any authority of law and without proper of registration nor being an MBBS, practicing on Allopathic Medicines. The other applicant who is the wife of the first applicant is alleged to have been involved as she has been issuing various marks-sheets and counter signing certificate of training in the Community Medical Services.

4. Learned counsel for the applicants argued that the applicant Ravishankar has obtained certificate in alternative system of medicine which is not prohibited under any law and by virtue of this certificate, he is entitled to practice as alternative medical practitioner. He has been falsely implicated because he is appearing as witness in certain cases against police officials and on the complaint of a person against whom, he lodged report and then, offence has been registered against him as well as his wife, the other applicant, Mrs. Shakun Goyal. It is also submitted that the allegation of prescribing Allopathic Medicine, at the most, would make out a case of commission of offence under the provision of Medical Council of India Act which is of bailable nature. Further submission is that as far as applicant Smt. Shakun Goyal is concerned, the training institute of which is alleged to be run by her, has been duly affiliated to a society registered by Registrar of Society. The society grants affiliation for imparting training in Community Medical Services. The institute of the applicant is duly affiliated by said society. There is no criminal case registered against the said society. Therefore, against the applicant also, no criminal case can be registered.

5. In so far as the applicant Ravishanker is concerned, the material which has been collected so far prima facie shows that though he is not possessed of any MBBS degree recognized by the Medical Council of India under the provisions of Medical Council of India Act, he has been representing himself as an MBBS doctor under a particular registration number which has been found to be false as this applicant is not registered with Medical Council of India as MBBS practitioner. There is no material to show that he obtained MBBS degree from any recognized Medical college of India. Though he claims to be holder of certificate in alternative system of medicine, the prescription alleged to have been written by him, prescribed Allopathic medicine. Therefore, I am not inclined to grant anticipatory bail to the applicant- Ravishanker.

6. In so far as applicant Smt. Shakun Goyal is concerned, it has been alleged that she is running the training institute for providing various training in Community Medical Services. It is said that the training institute is affiliated to a society registered by Registrar of Society and the institute is affiliated to provide training for Community Medical Services. Therefore considering these aspects and that Shakun Goyal is a lady and she is not likely to abscond or interfere with the progress of investigation and her custodial interrogation may not be necessary, her application is allowed and she is granted anticipatory bail.

7. It is directed that in the event of arrest of the applicant- **Shakun Goyal** in connection with the aforesaid offence, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions-

- i. that the applicant shall make herself available for interrogation by a Police Officer as and when required;

ii. that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any Police Officer.

iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha