

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2046 OF 2017

Yogesh Chandrakant Phapale	.. Applicant.
Vs.	
The State of Maharashtra	.. Respondent.

Mr.Aniket Nikam i/by Mr.Ashish Satpute, for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent.
Mr.P.L. Gadge, ASI, Alephata Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 26TH MARCH, 2018.

P. C. :

1. Heard the learned counsel for applicant and learned APP. This application is filed for grant of anticipatory bail in Crime No. 157/2017 registered with Alephata Police Station, for the offence punishable under Sections 419, 420, 468, 471 of Indian Penal Code and under Sections 33, 34 and 36 of the Medical Practitioner Act. This Court has granted interim protection on 19th January, 2018 which is extended from time to time till today.

2. It is a case of prosecution that applicant was practicing Naturopathy without obtaining license from Maharashtra Council of Indian Medicine. During the course of hearing learned counsel for applicant had drawn attention of this Court to the provisions of

Maharashtra Medical Practitioners Act, 1961, wherein Section 2, Sub-clause 2 read with proviso contemplates that “a person practicing physiotherapy or yogic healing, is not required to obtain licence from the Maharashtra Council of Indian Medicines.”

3. Accordingly, applicant was protected by interim order. Thereafter in compliance to order dated 9th February, 2018 applicant has filed affidavit thereby, undertaking not to practice Naturopathy in India.

4. Apart from above, other allegations was of applicant's involvement in sale of Ayurvedic medicines, learned counsel for applicant contended that as per information received by applicant under Right to Information Act from the Government of Food and Drugs Administration, Ahemadnagar for carrying sale of Ayurvedic medicines, Government licences are not required. According to the prosecution, the alleged involvement of applicant since, is in sale of Ayurvedic medicines only. As per the panchanama which came to be drawn in the Drugs shop of applicant, following order is passed;

ORDER

(i) Interim order passed on 19th January, 2018 stands confirmed.

(ii) Applicant shall attend the Trial Court on the fixed date.

(iii) Application is allowed.

[P. N. DESHMUKH , J.]