

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPLICATION NO.1129 OF 2020
IN BA/1117/2019

DILIP PUNDALIK PATIL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.P. Brahme, Advocate h/f Mr. S.V. Suryawanshi, Advocate for applicant

Mrs. R.P. Gaur, APP for respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 20th OCTOBER, 2020

ORDER :

1 Present application has been filed by the applicant for relaxation of condition No.II(b) imposed by this Court in order dated 07.10.2019 passed in Bail Application No.1117 of 2019 and permitting him to practice alternative systems of medicines as per the educational qualification.

2 Heard learned Advocate Mr. S.P. Brahme holding for learned Advocate Mr. S.V. Suryawanshi for applicant and learned APP Mrs. R.P. Gaur for respondent. In order to cut short, it can be stated, that both the learned Advocates have made submissions in support of their respective contentions. The applicant has produced on record certain certificates showing his medical

educational qualification.

3 At the outset, perusal of the order passed by this Court on 07.10.2019 it can be seen, that the learned Advocate, who was representing the applicant on the basis of instructions given by the applicant, made statement that the applicant is ready to submit the undertaking to the effect that he would not practice even the Electropathy, Naturopathy and Ayurved till disposal of the case. On the basis of the said statement the condition No.II(b) was imposed thus - *“The applicant shall not practice in Electropathy, Naturopathy and Ayurved as assured by him till disposal of the case and file an undertaking to that effect before the trial Court.”* Under such circumstance, now, the applicant cannot say that, that condition should be relaxed. When the assurance was given by the applicant that he will not practice, he was released on bail. It will not be out of place to mention here, that the applicant has been prosecuted for allegedly committing the offence under Section 33, 34, 36 and 36 of the Maharashtra Medical Practitioners Act, 1961 and under Section 419, 420, 468 and 471 of the Indian Penal Code. Further, another fact, that is also required to be considered is, that the applicant had earlier filed Anticipatory Bail Application No.473 of 2018 before the Sessions Court and it was rejected on 04.08.2018. Thereafter, he had approached this Court for anticipatory bail in Application No.823 of

2018 and it came to be rejected on 06.12.2018. Thereafter, the applicant had approached Hon'ble Apex Court in Special Leave to Appeal (criminal) No.235 of 2019. That petition was dismissed, however, the applicant was granted six weeks time to surrender and liberty to apply for regular bail. He had then surrendered before the police on 25.02.2019 and was in custody since then. His application for regular bail was rejected by both the Courts below, and therefore, he had approached this Court by filing the said Bail Application No.1117 of 2019. Therefore, taking into consideration the fact, that he was in jail since 25.02.2019, charge sheet was submitted on 22.04.2019 and supplementary charge sheet came to be filed on 15.07.2019 and the statement that was made by him prompted this Court to release him on bail. Imposition of that condition was utmost necessary with the background of the offence and when by taking all precautions the said condition is imposed it cannot be relaxed on the statement by the applicant, that now he has no source of livelihood. He would have definitely considered the consequences of his statement before it was made through his Advocate before this Court. Therefore, there is no merit in the present application. It deserves to be rejected. Hence, it is rejected.

(Smt. Vibha Kankanwadi, J.)