

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.224 OF 2020**

Nilkanth s/o Namdeo Misal

... APPLICANT

**VERSUS**

The State of Maharashtra

... RESPONDENT

.....  
Shri R.P. Bhumkar, Advocate for applicant  
Shri P.G. Borade, A.P.P. for respondents  
.....

**CORAM : R. G. AVACHAT, J.**

**Date of reserving order : 18th March, 2021**

**Date of pronouncing order : 28th April, 2021**

**ORDER :**

This is an application for anticipatory bail. The applicant claims to have an apprehension of being arrested in connection with Crime No.I-51/2020, registered at Shrigonda Police Station, District Ahmednagar for offence punishable under Sections 33 of the Maharashtra Medicine Practitioner Act, 1961 and Sections 419, 420, 468, 471 of the Indian Penal Code.

2. Heard learned counsel for the applicant and learned A.P.P. for the State.

3. The First Information Report (F.I.R.) has been lodged by Dr. Nitin Khamkar, Taluka Health Officer, Shrigonda on 15/1/2020. The informant is an Ex-officio Secretary of a Committee constituted to take search for quacks. The informant along with the police officials paid surprise visit to a medical clinic run by Gopal Vishwas (accused No.1) at Bhangaon on 15/1/2020. During the visit, it was found that, Gopal Vishwas did not have a certificate issued by Maharashtra Medical Council authorising him to practice medicine. He did have a certificate issued by Maharashtra Council of Medical and Para Medical Science Institute. During search of his clinic and residence, various allopathic medicines were found. The crime, therefore, came to be registered against him.

4. Learned counsel for the applicant would submit that, the applicant is a medical practitioner of more than 60 years of age. He runs an institute – Maharashtra Institute of Medical and Para Medical Science at Chas. The education

relating to Naturopathy, Yoga and Electropathy is imparted through his institute. For running of such an institute, no registration with Medical Council of India is necessary. Learned counsel brought to my notice certain documents issued by Medical Council of India. According to learned counsel, the State of Maharashtra has recognised Naturopathy. The State Government has, however, not passed any Act or Regulation for regulating Naturopathy. According to him, the State Government had informed all the Collector and Superintendents of Police that no action under the Medical Council Act could be initiated against the persons who are engaged in a profession of Naturopathy, Electropathy etc. According to learned counsel for the applicant, if the accused No.1 was found to have been running a medical clinic and prescribing allopathic medicine, it will be he (accused No.1) who will suffer the consequences thereof. The present applicant is no way related to the activities of the accused No.1 in professing alloapthy. The learned counsel also brought to my notice some orders passed by this Court in Writ Petition No.9618/2020, 11424/2010 etc. He, therefore, urged for grant of anticipatory bail to the applicant.

5. Learned A.P.P. would, on the other hand, submit

that the applicant sold the certificate to the accused No.1 without imparting him any education in Naturopathy, Electropathy etc. Similar offences have been registered against the applicant at various places in the State of Maharashtra. The applicant is this way playing with the lives of people. He, therefore, urged for rejection of the application.

6. I subscribe to the submissions made by the learned counsel for the applicant that, imparting education in Naturopathy, Electropathy, no registration with the Medical Council of India is required. Admittedly, the applicant was running Maharashtra Institute of Medical and Para Medical Institute at Chas. The applicant would impart the education in Yoga, Naturopathy and Para Medical and alternative Certificate Diploma Courses. The facts are, however, other way round. During investigation, it is revealed that the applicant issued the accused No.1 certificate indicate him to have been registered as Primary Health Social Worker. The accused No.1 has been authorised to use 99 essential drugs mentioned overleaf. Close reading of those 99 items would indicate that many of them include allopathic medicines. The applicant does not have any authority to issue such certificate

authorising the accused No.1 to use the allopathic medicines. Moreover, the certificate of registration has been sold by the applicant to the accused No.1 for Rs.45,000/-, without imparting any education in any of the courses. The applicant was earning through his institute. Similar offences have been registered against the applicant at Sangli, Ahmednagar, Mumbai, Aurangabad etc. The applicant is thus playing with the lives of people. He is, therefore, not entitled for anticipatory bail. The Anticipatory Bail application is, therefore, rejected. Interim relief is vacated.

**( R. G. AVACHAT )  
JUDGE**

fmp/-