

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

ANTICIPATORY BAIL APPLICATION NO. 2053 OF 2019

Iqbal Ahmad M. Shaikh	..Applicant
V/s.	
The State of Maharashtra	..Respondent

None for the Applicant.
Mr. Y. Y. Dabke, APP for the Respondent / State.

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**CORAM : C. V. BHADANG, J.
DATE : 7 AUGUST 2021**

P.C.

. Although there is no appearance on behalf of the Applicant, this Application can be disposed of in view of the submission of the learned APP.

2. The present Applicant who is the co-accused apprehending arrest in connection with investigation of Crime No.245/2019 of Police Station Daigar, Thane City under Section 304, 420, 465, 468, 471 r/w. Section 34 of IPC and Section 25 of the Maharashtra Medical Practitioners Act, 1961 and the Bombay Drugs (Control) Act, 1959, is seeking anticipatory bail.

3. *Prima facie*, it appears that the material allegation is against the Accused No.1 Dr. Mohammad Dawood Khan who is holding

a degree B.U.M.S. i.e. in Unani Medicine. The allegation is that Dr. Mohammad Dawood Khan had treated one Mr. Ankit Patil and on account of administration of wrong medicines, it resulted into death of Ankit Patil. The material allegation is that he was not authorized to prescribe or administer allopathy medicines as he was holding a degree in Unani Medicine. In so far as the present Applicant is concerned, the allegation is that he was instrumental in facilitating Accused Dr. Mohammad Dawood Khan in obtaining the degree.

4. I have carefully perused the FIR and there is no allegation or material to show that the B.U.M.S. degree allegedly held by the Dr. Mohammad Dawood Khan was a fake degree. The allegation is that Dr. Mohammad Dawood Khan was not authorised to prescribe allopathic medicines. *Prima facie*, at this stage, there is no material pointed out to show the complicity of the present Applicant. The record shows that the interim protection is operating in favour of the Applicant from 24 September 2019. In that view of the matter, the Application is disposed of in terms of the order dated 24 September 2019 subject to the condition that the Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

(C. V. BHADANG, J.)