

23.11.2022
54
sdas
allowed

CRM(DB) No. 4097 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No. 140 of 2022 dated 24.04.2022 under Sections 420/467/468/472 of the Indian Penal Code.

And

In Re : Dr. Debashis Porey @ Debasis Porey petitioner

Mr. Arindam Raha
Mr. Aniket Mitra

.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 54 days. It is also submitted that he has a medical degree from an institute in U.A.E.

Learned Counsel appearing for the State opposes the prayer for bail and submits the petitioner does not have any recognised medical degree. He fraudulently used the medical registration number of another doctor and treated the patients.

We have considered the materials on record. Offence revolves around document which is already in the custody of the investigating agency. Offences are triable by a Magistrate.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail, however, subject to strict condition.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Durgapur, on further condition that while on bail the petitioner shall not claim himself as a medical practitioner and treat the patients until he obtains a valid medical degree from a recognised institution. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)