

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 201 OF 2022

Meeta Puranjay Mandal	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Swapnil Wankhade, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.
PC 1102 Ashok J. Khavtode, Solapur Taluka Police Station, Solapur
(Rural).

**CORAM : C.V. BHADANG, J.
DATE : 27 JANUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant apprehending arrest in connection with investigation of Crime No.733/2021 of Police Station Solapur, District – Solapur (Rural) under Section 15(2) of the Indian Medical Council Act, 1956 and Section 33(2) of the Maharashtra Medical Practitioners' Act, 1961 read with Section 419 and 420 of the IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Taluka Medical Officer, alleging that the Applicant

although not holding the required medical qualification was administering medicines and treating patients and practicing medicine.

3. I have heard the learned counsel for the parties.

4. It transpired during the course of hearing that the Applicant is a Bachelor of Alternative System of Medicine, which degree she has obtained in the year 2016 and she has a Diploma in Community Medical Service and Essential Drugs (CMS & ED). According to the Applicant, she was entitled to administer specified medicines and treat the patients. On behalf of the Applicant, reliance is placed on the decision of the Supreme Court in *Subhasis Bakshi & Ors. Vs. West Bengal Medical Council and Ors.*¹ and a list of medicines published by the Board of Health Education and Yoga Alternate Medicine, which a CMS Diploma holder can prescribe.

5. For the present, it is not necessary to go into the submissions of the parties in details for the reason that the learned APP, on instructions from the Investigating Officer (IO), states that the Investigating Officer shall issue a notice under Section 41-A of Cr.P.C. to the Applicant, in the event the Investigating Officer finds the arrest and custodial interrogation of the Applicant necessary and shall give 72 hours notice to the Applicant.

¹ (2003) 9 SCC 269

6. In such circumstances, recording the submission made on behalf of the Investigating Officer, present Application is disposed of, with liberty to the Applicant to renew the request for Anticipatory Bail, in the event the notice under Section 41-A of Cr.P.C. is received which shall be further subject to the condition that the Applicant shall cooperate with the Investigating Agency.

C.V. BHADANG, J.