

VAISHALI
ANIL
TIKAM

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

BAIL APPLICATION NO. 360 OF 2022

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Shaikh Mahemud Farukh ... Applicant
Vs
The State of Maharashtra ... Respondents

...
Mr. Akhilesh Jaiswal a/w. Mrs. Pratibha Pawar a/w. Udaysinh
Deshmukh a/w. Mr. Aniket Ahire for Applicant
Mr. H.J Dedhia, APP for the State/ Respondent

CORAM : SANDEEP K. SHINDE J.
DATE : 11th NOVEMBER, 2022.

P.C. :

1. Heard Mr. Jaiswal, learned counsel for the Applicant and Mr. Dedhia, learned APP for the State.
2. Applicant seeks his enlargement on bail in connection with Crime No. 162 of 2021 dated 12th April, 2021 registered with Ranjangaon MIDC Police Station for the offences punishable under Section 420, 465, 467, 468, 471 of the Indian Penal Code.
3. Besides the crime in question, two more crimes were registered against the Applicant;

(i) Crime No.163 of 2021 under Section 420, 467, 468, 471 and offence punishable under the Medical Practitioners Act and; (ii) Crime No. 168/2021 under Section 304, 420, 467, 468, 471 of the Indian Penal Code.

4. Learned Counsel for the Applicant admits that the applicant is fake doctor.

Prosecution Case:

That Applicant - Shaikh Mahemud Farukh, posed himself to be Dr. Mahesh Patil, by forging degree certificate. Fact borne out from the final report is that, the Applicant posing himself to be doctor, persuaded complainant in Crime No. 163/ 21 to invest Rs.30,00,000/- in medicine shop. Later, when complainant came to know that Applicant was fake doctor, he filed complaint against him, under section 420m 467m 468m 471 of IPC .

5. Mr. Dedhia, Learned APP has brought to my notice a letter addressed by Senior Inspector, Ranjangaon MIDC Police Station to the Medical Superintendent, Sasoon Hospital. Vide this letter, Senior Inspector, reported that seven patients had died

during the outbreak of Corona Virus in the hospital run and managed by the applicant. It appears, one of the relatives of deceased, reported to police that, although the applicant was not doctor, he was managing and treating patients in Shree Morya Multispeciality Hospital. Whereupon, Crime No. 168/2021 was registered against the Applicant under Section 304, 420, 467, 468 and 471 of IPC.

6. In the backdrop of facts above, let me now advert to accusations in the crime in question. This crime was registered on a complaint by Dr. Shitalkumar Padvi. Dr. Padvi alleged that the Applicant posed himself to be a doctor and persuaded to invest huge amount in hospital which he had proposed to start at Koregaon, Tal. Shirur. Dr. Padvi believing the applicant invested around Rs.17,50,000/- in cash and/or cheque through Applicant. In spite of investing a substantial amount, the Applicant could not obtain registration of the hospital, then promised by him. Later, Dr. Padvi learnt from sources that Applicant was a fake doctor. He, therefore, made inquiries with the Medical Council of Maharashtra. Inquiry

revealed that the applicant had forged the certificate of practice of Dr. Mahesh Patil. The charge-sheet indicates, besides forging certificate of practice, applicant had forged documents like adhar card, so as to enable him to open a bank account, in the name of Shree Morya Hospital.

7. Thus, in consideration of the facts above, in my view, releasing the applicant on bail would be menace to the health of the society. Application deserves no consideration. It is rejected.

(SANDEEP K. SHINDE, J.)