

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

ANTICIPATORY BAIL APPLICATION NO.2649 OF 2021

Santosh Bhillusingh Rathod

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Sudhir V. Sadavarte for the Applicant.

Adv. Vaibhav Kulkarni i/b. Mr. Shrirang Katneshwarkar i/b. for the Intervenor.

Ms G.P. Mulekar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATED : 26th September, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime no. 392 of 2021 registered with Talegaon Dhabade police station for the offence punishable under sections 420, 465, 467, 468, 471 r/w. 34 of IPC.
3. The Naturo Electro Homoeopathy Medicos (NEHM) of India, a registered association appears to have been a source of permission to the applicant for administering and running a electropathy medical college.
4. It is the case of the prosecution that the said college is run and managed by the applicant being member of managing committee without there being any lawful authority.

5. The contentions of the counsel for the applicant Mr. Sadavarte are, the applicant was running said college pursuant to permission granted by the aforesaid authority. By drawing support from the communication dated 04/04/2022 issued by the NEHM of India, the status about recognition of the said course in relation to the electropathy system of medicines which came for discussion in the house on 22/02/1991, the communications issued by the Government of India on 17/06/1991, 21/06/2011, 14/05/2011 & 15/05/2021 he would urge that, it has been permitted by Union of India is to practice the said pathy.

6. He would urge that the applicant is falsely trapped in the offence by the complainant by voluntarily depositing an amount of Rs.1,000/-. Learned Counsel for the applicant would urge that the applicant is very much available for investigation who has deep roots in the society. He would further urge that applicant undertakes not to admit the students unless the issue is resolved at the Government of India level and shall refund the amount which is deposited by the complainant either by depositing the same with the investigating officer or in this Court.

7. As such, he would urge that the custodial interrogation of the applicant is not required.

8. Learned APP would oppose the prayer based on the investigation papers.
9. I have appreciated the submissions.
10. Even in the past, there are certain communications issued by Union of India in relation to practicing electropathy, that by itself has not authorized the applicant to open and administer the college imparting training in the said electropathy. Rather the said pathy is not recognized by the Union of India as it could be apparent from the recent communication issued by Union of India on 27/06/2022 in favour of the investigation officer.
11. The investigation till date depicts that the applicant was instrumental in managing a college imparting instructions in relation to aforesaid pathy at other places.
12. In this background, in my opinion there is enough material to infer prima facie involvement of the applicant in the offence in question.
13. That being so, no case for anticipatory bail is made out. The application as such fails and same stands rejected.
14. Ad-interim protection to continue for a period of two weeks as prayed.

(NITIN W. SAMBRE, J.)