



Crl.O.P.No.13853 of 2023

WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who was arrested and remanded to judicial custody on 08.05.2023 in connection with Crime No.85 of 2023 registered for the offences under Sections 465, 466, 468, 471, 474, 484 and 420 of IPC on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Dr.R.Shanmugam, who is the Registrar of Tamil Nadu Medical Council, Arumbakkam, Chennai is as under:-

The Tamil Nadu Medical Council is a Statutory Body, which caters registrations and regulating bodies for Registered Medical Practitioners in the State of Tamil Nadu, Pondicherry and Andaman & Nicobar Islands. An applicant namely M.Santhosh Kumar, Seat No.B012060075, residing at No.4/186 Neelanjanur Village, Nammandahalli Post, Palacode, had applied for UG Permanent Registration in the Council through online portal on 21.03.2023 and that he had also appeared in person on 08.05.2023 and submitted MBBS completion certificate from Pt. Jawahar Lal Nehru



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Memorial Medical College, which is affiliated to Pandit Deendayal Upadhyay Memorial Health Science & Ayush University of Chattisgarh and furnished the Registration Certificate issued by Odisha Council of Medical Registration (Registration No.151577) and Registration Certificate from Medical Council of India, however, during the enquiry, it was found that the certificates submitted by him were fake. Hence the case.

3. Learned counsel for the petitioner would submit that the petitioner has been issued B.E.M.S Medical Practice Registration Certificate No.7999 by N.E.H.M. of India, New Delhi – 110 058, which is a statutory body and based on that, he had applied for registration. He would further submit that the petitioner is a qualified Siddha practitioner and he wanted to study M.B.B.S. and practise as an M.B.B.S. Doctor, however, he had been defrauded by the co-accused, whom he approached for such studies and he had not forged any certificate with regard to his qualification. He would also submit that the petitioner has been in custody from 08.05.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner is a quack and a habitual offender, against whom, there is one previous case registered in Crime No.368 of 2021 before the Marandahalli Police Station and as far as this case is concerned, the petitioner, without studying M.B.B.S, had attempted to register himself as an M.B.B.S. Doctor by producing fabricated documents as if he possesses the qualification of M.B.B.S. The certificates furnished by the petitioner were sent to respective Universities and Examination Bodies concerned and on such scrutiny, the certificates produced by him were found to be fake. He would further submit that the petitioner had treated a person posing himself as an M.B.B.S. Doctor and prescribed certain medications, due to which, that person died. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) and perused the entire materials available on record.



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6. The petitioner is alleged to have indulged into grave offences having strong impact on the poor common man suffering with various ailments. A perusal of the FIR would disclose that the certificate produced by the petitioner with regard to his higher secondary qualification was also found to be fake. In the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the antecedent of the petitioner that he has a previous case of similar nature, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, **this Criminal Original Petition is dismissed.**

8. Considering the gravity of offence alleged and its impact on the society, when the matter was listed on 21.06.2023, this court had called for a Report from the authority concerned through the Government Advocate. Now, a Report has been received from the Directorate of Medical and Rural Health Services, disclosing that so far, they had identified 199 quacks throughout 32 Districts of Tamil Nadu. The learned Government Advocate (Criminal Side) also submitted that even this year four cases of similar



nature viz., attempt to register as Medical Practitioner based on the fake certificates are pending before the Medical Council of Tamil Nadu.

9. Apart from the statistics provided by the authorities with regard to identification of fake certificates at the time of attempt for registration with the Council, it is seen that of late, various cases of quack practising are being reported. The issue appears to be an alarming and hazardous to the common public, who, without raising any suspicion, genuinely repose their trust and confidence in the field of Medicine. If the same is not curtailed, the trustworthiness of the Medical field will also be at stake.

10. Considering the plight of the innocent common public, this Court directs the Health Secretary, Government of Tamil Nadu, to look into the matter and file a Report as to what are the actions already taken by them and what else they intend to do to eradicate quack practising in the State of Tamil Nadu.

List the matter after four weeks.

27.06.2023

vkr/ssk.



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vkx/ssk.

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