



Crl.O.P.No.14309 of 2023

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Reserved On	25.08.2023
Pronounced On	31.08.2023

RMT.TEEKAA RAMAN,J.

The petitioners/A1&A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 15(3) of Indian Medical Council Act, 1956, Section 420 of IPC in Crime No.163 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the 1st petitioner is the Chairman and Director, the 2nd petitioner is the Principal of Shri Selvanayagi Medical Institute of Electropathy and Hospital situated in Oolapalaiyam Village, Kangeyam Circle, Thiruppur District. A complaint was received from Joint Director, Directorate of Medical and Rural Health Service, Thiuppur District on 03.05.2023, alleging that Shri Selvanayagi Medical Institute of Electropathy and Hospital has been running without any proper approval from Government of Tamil Nadu from Health and Family Welfare Department, Recognition from Tamil Nadu Nurses and midwives council,



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Affiliation from the Tamil Nadu Dr.M.G.R.Medical University and suitability certificate from Indian Nursing Council. Hence, the case.

4. The learned counsel for the petitioner submits that on 24.04.2023, an inspection was conducted at Shri Selvanayagi Medical Institute of Electropathy and Hospital wherein for two courses Diploma in Medical Lab Technology and B.E.M.S and MD(EH) courses which are said to be taught in the Sri Selvanayagi Medical Institute of Electropathy and Hospital without any approval. It is further alleged that without obtaining proper approval out-patients were treated at Shri Selvanayagi Medical Institute of Electropathy and Hospital, and hence the said institution was sealed.

5. According to the learned counsel for the petitioners, the course is conducted by the petitioner in B.E (MS) is certified course and he has got necessary approval from the Central Government. In the connected case in Crl.O.P.No.10735 of 2023 a person who has practised very same degree B.E (MS) has been dealt with, wherein notice has been ordered to Deputy Solicitor General of India.

6. He also produced a certificate of completion course of



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B.E.M.S internship certificate, wherein it is certified that he has completed six months intern-ship programme in Cure Medical Institute of Electropathy and Hospital and according to the learned counsel for the petitioner, he has completed Bachelor of Electropathy Medicine and Surgery and relied upon the certificate said to have been issued by the N.E.H.M of India. He also relied upon the judgment of this Court in Crl.O.P.No.23128 of 2018 dated 22.07.2022 and contended that persons who has completed BHMS (Bachelor of Homoeopathic Medicine and Surgery) are permitted to do allopathy medicine.

7. The learned counsel for the petitioners submitted as extracted in the said case, the Deputy Solicitor General of India appearing for the 2nd respondent, based upon the instructions, the 2nd respondent would contend that with regard to the recognition of the alleged Bachelor of Electropathy Medicine and Surgery course, a committee has been constituted by the Ministry of AYUSH, Government of India and expressed that Committee developed certain essential and desirable criteria for assessing the viability of a



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given alternative system.

8. Based on those criteria, the Committee examined various alternative systems, including Electro homoeopathy. But, after examination, the committee did not recommend recognition to any of those alternative systems of medicine except already recognized traditional systems of medicines, viz., Ayurveda, Siddha, Unani, Homeopathy and Yoga & Naturopathy, which were found to fulfil the essential and desirable criteria developed by the Committee for recognition of a system of medicine.

9. It may be mentioned that this Respondent Department have neither set up nor recognized /authorized anybody / entity, in whatsoever name and form, including NEHM of India, to impart education and award degrees / diplomas / certificates, etc., in respect of any alternative system of medicine (including Electro homoeopathy), which is not recognised by this Ministry. Consequently, this Ministry also do not recognise any diploma certificates, etc., which may have been issued or being issued in



respect of any unrecognised system of healthcare (including Electro homoeopathy) by any entity.

10. To sum up, at present, Electro homoeopathy is not a system of medicine which is recognised or approved by the Government of India. Consequently, the question of this Ministry having certified any person to have qualified in any branch of alternative system of medicine, which is not recognised, may not arise.

11. Consequently, the Government of India has also clarified Ministry of Health and Family Welfare vide Order No.R.14015/25/96-U & H(R)(pt) dated 25.11.2003 to the effect that,

“ ... In so far as recognizing the courses run by them, it is clarified that the concerned boards/statutory bodies like the Medical Council, give recognition to courses. Since Electropathy is not recognised as a system of medicine, there is no system for recognition of any course run by them in the Health Ministry...”

12. In view of the submissions made by the Deputy Solicitor General of India, Electropathy/Electro homeopathy is not



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equivalent to the Ayurveda, Siddha, Unani, Homeopathy & Yoga and Naturopathy and the Bachelor of Electropathy Medicine & Surgery is not recognized and what was recognised is only the Ayurveda, Siddha, Unani, Homeopathy & Yoga and Naturopathy alone. In the above said Government Order, it is also mentioned that the Electropathy is not recognised as a system of medicine and hence, I have no hesitation to negate the plea raised by the learned counsel for the petitioner.

13. In the above said decision in Crl.O.P.No.23128 of 2018, this Court has held that to the limited extend, the individuals who have completed BHMS (Bachelor of Homoeopathic Medicine and Surgery) can use the Allopathy medicines and a circular was also issued to that effect on 19.06.2010 by the Office of the Director General of Police Chennai – 600 0004, in Rc.No.147472/Cr.IV(2)/2010 and the G.O.Ms.248, Health and Family Welfare (IM 2-2), dated 08.09.2010 is only to the effect.

14. Hence, as far as the petitioners concerned who is running the institution, is not practising. The teaching of different



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courses, in institution Viz., Ayurveda, Siddha, Unani, Homeopathy & Yoga and Naturopathy and they stands on a different footing and hence I find that the complaint filed by the informant is maintainable.

15. From the submissions by the learned Senior Advocate for the petitioner, I find that the entire college in which the course has conducted had been sealed and necessary documents has been restored.

16. On the above factual background, the substantial material part of the investigation is over and documents have been seized from the premises and hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

17. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.163 of 2023, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate,**



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Kangeyam, on condition that petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to non-refundable deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.163 of 2023, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police



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on every saturday at 10.30 a.m., until further orders.

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[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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order in
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