



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 933 OF 2024

YOGESH KAILAS GIRI (GOSAVI) @ DR. RAHUL GOSAVI PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. A. B. Ghule, Advocate for the applicant
Mr. S. B. Pulkundwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 19th JULY, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 395/2023 registered with Raver Police Station, District Jalgaon for the offence punishable under Section 420 r/w 34 of the Indian Penal Code.
2. The first information report indicates that the informant was married 23 years back but had no issue. The informant and his wife were introduced to the applicant who claims himself to be a Doctor. He assured them that number of persons are benefited by the medicines prescribed by him and that their wish for child will get fulfilled. On 10/07/2023 applicant visited the house of informant and assured them that on taking treatment his wife will conceive. They were prescribed medicines to be purchased from Ram Ayurvedic Bhavan. Thereafter on 08/08/2023 applicant again went to the house of informant to take urine

samples of his wife. He after testing the urine sample on pregnancy declared that his wife has conceived. He advised them to take further medicines. Accordingly, medicines worth Rs. 1,57,500/- were purchased. Even thereafter applicant visited the house of the informant and one of the other pretext has asked them to take further medicines. At later point of time it is revealed to the informant that his wife is not pregnant and that they have been cheated by the applicant.

3. Learned counsel for the applicant submits that even if the case of the prosecution is accepted to be correct the applicant has only prescribed Ayurvedic medicine and no harm could be caused by the said medicine to the informant or his wife. It is his submission that there is no case made out for offence of cheating against him. Learned APP opposed the application by contending that the applicant has cheated the informant by posing himself to be a Doctor and also made false statement that the wife of informant is pregnant and she requires further treatment. It is his submission that custodial interrogation of the applicant is necessary.

4. During the course of hearing a query was raised to the applicant as to the qualification of applicant herein it was informed to this Court that Applicant is B.Sc. Thus, he is not a person who can practice

medicine. Even for prescription of Ayurvedic medicine, he is not qualified. Apart from the fact that the applicant had no qualification, from the first information report it is clear that he has misled the informant and his wife by stating that his wife is pregnant and thereafter he was called upon to purchase medicines from time to time. It is alleged against him that he has duped the informant for Rs.2,62,500/-.

5. *Prima facie* this Court is of the view that offence under Section 420 of IPC is made out against applicant. It is clear that the applicant has posed himself to be a Doctor when he is not and has cheated the informant. This is a social hazard as innocent people on believing him would take treatment and land in trouble including putting themselves in danger to the life. His custodial interrogation is necessary not only in order to ascertain as to the share which he has received from the amount of the medicines purchased by the informant but it is also necessary to find out as to how many other persons are cheated in similar manner. Thus, there is substance in the contention of the learned APP that this is a case wherein custodial interrogation of the applicant is necessary. Application is, therefore, stands dismissed.

6. Though the application is dismissed, this Court finds it necessary to take cognizance of the fact that for more than a year the

Investigating Officer has not taken any serious steps to take the applicant in custody. If the applicant was not found and went absconding, necessary steps were required to be taken under the Code of Criminal Procedure to declare him abscondance. This is the serious issue wherein the life of people is jeopardized by such misrepresentation by the applicant posing himself to be a Doctor. In such circumstances, it was expected from the Investigating Officer to seriously investigate into this crime which is found lacking herein. Hence, this order be forwarded to the Superintendent of Police, District Jalgaon for taking appropriate action.

(R. M. JOSHI, J.)

ssp