

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

ANTICIPATORY BAIL APPLICATION NO. 119 OF 2024

Vikas Bhavanidas Bhadikar

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Gargi P. Joshi for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 1 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.407 of 2023 registered at Barshi Taluka Police Station, Solapur Rural, on 16.11.2023, under Section 420 of the Indian Penal Code and under Sections 33, 33A and 38 of the Maharashtra Medical Practitioners Act, 1961.

2. Heard Ms. Gargi Joshi, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by one Dr. Anita Bangar. She was the Medical Officer attached to Panchayat Samiti, Barshi and was looking after the Barshi Taluka. She was entrusted with the duty to collect health data about the health issues in the Taluka. She came to know that the present applicant was practicing as a Doctor, though, he was not entitled to practice in medicines as a Doctor. Therefore, he was a bogus doctor. On 08.11.2023, his clinic was raided. Some injections and medical instruments were seized. The F.I.R. mentions that the applicant was B.E.M.S., and he was not registered with the the Maharashtra Medical Council. He was not authorized to prescribe allopathic medicines. He has violated all these conditions and, therefore, this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the Health Authority had issued explanatory note on 19.09.2022 in which it was mentioned that the Graduates who had obtained CMS & ED Certificate and diploma courses, they can prescribe 44 allopathic medicines, but they cannot use the prefix 'Doctor' before their names. They could not enroll with any Government Council. Learned counsel submitted that the applicant was a graduate in

Electro Homeopathy Medicine and Surgery. He had completed the course in Community Medical Services & Essential Drugs, in 2020-2021. Therefore, he was allowed to practice in medicines and was allowed to prescribe 44 allopathic medicines. She submitted that the applicant was in position to show that he had prescribed only those 44 medicines in his practice.

5. Learned APP pointed out some documents wherein, it was mentioned that, he was describing himself as 'Doctor and Surgeon', which was not permissible. Learned APP submitted that the investigating agency is investigating into the allegations whether the applicant was prescribing any medicines which he was not authorized to prescribe.

6. Today, both the learned counsel are seeking adjournment. Learned counsel for the applicant prayed for ad-interim relief. Considering both these submissions, today I am inclined to protect the applicant by way of ad-interim relief with certain conditions.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.407 of 2023 registered at Barshi Taluka Police Station, Solapur Rural, till the next date, the Applicant be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 14/03/2024.
- iii) The Applicant shall attend the concerned Police Station from 20/02/2024 to 23/02/2024 between 1.00p.m. to 5.00p.m. and shall cooperate with the investigation.
- iv) Till the next date before this Court, the Applicant shall not continue his practice.
- v) Stand over to 14/03/2024.

(SARANG V. KOTWAL, J.)