

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1810 OF 2024**

Shashibala Keshavram Shukla	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Kusum Pandey for applicant.

Mr. Tanveer G. Khan, APP for respondent-State (through video-conferencing).

Mr. M. G. Sable, PSI, Tulinj Police Station, Mira-Bhayandar, Vasai-Virar.

**CORAM : MANISH PITALE, J.
DATE : 23rd SEPTEMBER, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0462 of 2023 dated 21.06.2023, registered at Tulinj Police Station, District Mira-Bhayandar, Vasai-Virar for offences under Sections 18A, 18C and 27 of the Drugs and Cosmetics Act, 1940; Section 420 of the Indian Penal Code, 1860; Sections 4 and 5 of the Medical Termination of Pregnancy Act, 1971 and Sections 33 and 33A of the Maharashtra Medical Practitioners Act, 1961.

3. The allegation against the applicant is that despite being authorized only to practice as a homeopathic doctor, she was prescribing allopathic medicines, including prescribing medicines for termination of pregnancy. It is alleged that when the information was received as regards the said activity of the applicant, a dummy patient was sent to her, to whom also the applicant prescribed such medicines for termination of pregnancy.

4. The learned counsel for the applicant submitted that the custody of the applicant may not be justified after a period of more than 1 year and 3 months of registration of FIR, when the applicant has been regularly attending the police station and co-operating with the investigation, in terms of the interim order dated 07.07.2023 granted by the Sessions Court in her favour. It is submitted that the interim order continued to operate till 15.06.2024, when the application was eventually dismissed by the Sessions Court. It is submitted that the applicant undertakes to continue to co-operate with the investigation and she may be granted indulgence by this Court.

5. The learned APP submitted that the ingredients of the offences registered against the applicant are clearly made out by the material on record. He submitted that therefore, this Court may not show any indulgence to the applicant.

6. The documents placed on record indeed show that the interim order was passed by the Sessions Court in favour of the applicant on 07.07.2023 and the same continued to operate till 15.06.2024. The applicant has placed on record photocopies of documents, showing that she did attend the concerned police station regularly, as per the directions of the Sessions Court and as directed by the investigating officer, during the entire period of 1 year, when the interim order was operating in her favour.

7. Considering the nature of offences and the conduct of the applicant during the pendency of the application for anticipatory bail before the Sessions Court, this Court is inclined to allow the present application, subject to the applicant continuing to co-operating with the investigation.

8. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No. 0462 of 2023 dated 21.06.2023, registered at Tulinj Police Station, District Mira-Bhayandar, Vasai-Virar, she shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 26.09.2024 and 27.09.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.
- (iii) The applicant undertakes to practice medicine strictly in compliance with law and in terms of her registration as a homeopathic practitioner, in terms of the certificate issued by the Maharashtra Council of Homeopathy, Mumbai.
- (iv) The applicant shall not tamper with the evidence of the prosecution in any manner. She shall not influence the informant, witnesses and other persons concerned with the case;
- (v) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)