

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.12 OF 2025

Maqsood Abdul Kadir Bhatakar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Hashim Ansari, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent – the State of Maharashtra.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 07, 2025

P.C.:

1. Heard Mr. Ansari, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – the State of Maharashtra.

2. When I started dictating this order, Mr. Ansari immediately persuaded me not to pass the order and permit him to withdraw the Application. I have rejected his request for the simple reason that the facts in the present Applicant are extremely serious. Why I say so is because they concern directly with the Society at large and a strong message has to be sent to the Society against such Applicants who take the legal system for granted.

3. Before me the Applicant - Maqsood Abdul Kadir Bhatakar who claims to be 65 years old and by occupation Doctor was found to be practising Medicine on the basis of BAMS degree which he has obtained from an University in Varanasi. The First Information Report

(for short '**FIR**') is lodged by a public spirited citizen who found the Applicant to be practising medicine in District – Sindhudurg in Village – Tirilot. Since Maharashtra Council of Indian Medicine is registered in Mumbai, FIR is lodged in Mumbai. FIR is lodged pursuant to detailed Right to Information investigation done by the Complainant unearthing the fact that Applicant has passed out and obtained the degree in Ayurveda from Sampurnanand Sanskrit Vishwavidyalaya, Varanasi which has been prove, to be false, since the concerned University has informed in writing that no such person by the name of Applicant has studied in that University or passed out from that University with an Ayurveda degree since 1980. Investigating machinery therefore swung into action.

4. Ironically Applicant has chosen not to co-operate with the Investigating Agency also. Only once he visited the Investigating Officer despite he having been issued summons twice. The investigation in the present case approached Hon'ble Lokayukta and only on directions from the Hon'ble Lokayukta, registration of Applicant with Medical Council of Indian Medicine has been cancelled by order dated 08.01.2024.

5. The reliance by Applicant is on the degree issued by the aforesaid University. However in the course of investigation the Applicant has relied upon some mark-sheets to show that he has

completed his BAMS course from Sampurnanand Sanskrit Vishwavidyalaya Varanasi which are not issued by the said University. It is a shocking incident that Applicant has managed to conduct his medical practise with the aforesaid degree in medicine for the past 30 years as seen from the record of the case.

6. Though Mr. Ansari would submit that Applicant has got registration with the Medical Council of India and same has been renewed from time to time, the aforesaid fact cannot be considered and since he has got the said registration on the basis of fraudulent and fabricated documents. Offence being very serious, I do not see any reason to the present Application for Anticipatory Bail of the Applicant.

7. Such cases are required to be dealt with as strictly as possible since it affects the public interest.

8. In view of the above observations and findings, Anticipatory Bail Application is therefore rejected.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed by
HARSHADA
HANUMANT
SAWANT
Date: 2025.01.08
10:37:15 +0530