

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5943 of 2025

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner/accused in Crime No.432 of 2025 on the file of the P.S.Miyapur, Cyberabad, registered for the offences punishable under Sections 319(2), 318(4), 338, 336(3), 340(2) of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS') and Section 22 of the Telangana Medical Practitioners Registration Act, 1968 (for short 'TMPRA) and Section 34 r/w 54 of the National Medical Commission Act, 2019 (for short 'NMCA).

2. The case of prosecution is that on 25.03.2025, the de-facto complainant lodged a complaint stating that on 19.03.2025, a surprise inspection by the Telangana Medical Council at Ankura Hospital, Madinaguda, revealed that the petitioner was practicing medicine illegally without proper registration or qualification. He claimed to be an MBBS graduate but had not passed the foreign medical graduate examination nor registered with the Telangana Medical Council (TGMC). The petitioner was found using fake certificates, including a fraudulent registration proof (TSMC/FMR/021911), during the

inspection, violating medical regulations and endangering public health.

Basing on the same, a case was registered in Crime No.432 of 2025.

3. Heard Sri J.Kanakaiah, learned Senior counsel representing Mr.Narendar Jalli, learned counsel for the petitioner and Sri Arun Kumar Doddla, learned Additional Public Prosecutor for the respondent.

4. Learned Senior Counsel for the petitioner submitted that petitioner has not committed alleged offence and he was falsely implicated in the above crime. He further submitted that petitioner has completed MBBS graduation course from the Lugansk State Medical University, Ukraine Country and obtained requisite character, no Objection Certificate and academic certificates in the year 2013. Thereafter, he came to India. The petitioner had appeared for the foreign medical graduation examination conducted by the Telangana Medical Council, however, he failed in the said examination. But, at the advise of well wishers, recently he joined in the Ankur Hospital and working as Assistant to the Registered Medical Practitioner for his survival and also for getting experience, however, he did not conduct any surgeries or given any prescriptions for the patients. Hence, the ingredients of the alleged offence are not attracted against the petitioner. He further submitted that the petitioner, at no point of time, discharged his services

as doctor and no one lodged complaint against the petitioner. He further submitted that the petitioner is not having any criminal antecedents and he is ready and willing to cooperate with the investigation and also abide by the conditions, which are going to be imposed by this Court, and hence, prayed for grant of anticipatory bail.

5. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner has committed a grave offence and violated the guidelines under the provisions of NMCA and the investigation is under progress. At this stage, if the petitioner is enlarged on anticipatory bail, there is every chance to interfere with the investigation and also influence the witnesses. Hence, prayed to dismiss the petition.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that the petitioner has completed MBBS graduation course from the Lugansk State Medical University, Ukraine Country in the year 2013, however, petitioner failed in foreign medical graduation examination conducted by the Telangana Medical Council. According to the learned Senior Counsel, petitioner is not having any other criminal antecedents.

7. Taking into consideration the said facts, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions.

1. The petitioner/accused shall surrender before the Station House Officer of P.S.Miyapur, Cyberabad, on or before 13.05.2025, and on such surrender, the said Station House Officer shall release the petitioner/accused on bail on the petitioners executing a personal bond for Rs.75,000/- (Rupees seventy five thousand only) with two sureties, for the like sum each to his satisfaction.
 2. After release, the petitioner/accused shall appear before the concerned SHO at 11.00 A.M. on every Monday and Saturday, for a period of eight (8) weeks or till filing of charge sheet whichever is earlier, for the purpose of investigation and thereafter, as and when required.
 3. After release, the petitioner/accused shall not influence the witnesses or interfere with the investigation.
 4. After release, the petitioner/accused shall not be entitled to practice as a Doctor basing on the certificate issued by Lugansk State Medical University, Ukraine Country in the year 2013 unless and until he qualifies the examination which is being conducted by the Telangana Medical Council.
 5. The petitioner/accused shall abide by the other conditions stipulated in Section 482 (2) of the BNSS and co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J.SREENIVAS RAO

Date: 07.05.2025

Sa/vsl

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Dt: 07.05.2025

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