

**ORDER BELOW BAIL APPLICATION EXH.05 FILED BY  
ACCUSED IN RCC NO.741/2022**

1. This application is filed by the accused for bail u/Sec.437 of the Cr.P.C. in connection with the offences punishable under Sections 420, 419, 175, 179 of the Indian Penal Code, Section 15(2) of Medical Council Act, 1956 and Section 33(A) of Maharashtra Medical Practitioner Act, 1961.

2. Heard Ld. Advocate Mr. H.V. Almale and Mrs. S.R. Patil for State.

**Briefly stated the fact of the case is that-**

3. The present accused cheated the public at large without possessing medical degree, therefore, case has been registered against him.

4. Ld. Adv. for State filed her say and strongly opposed the application mainly on the ground that, offences are serious and non bailable and punishable for more than 10 years imprisonment. Accused is resident of West Bengal. There is a possibility to destroy the evidence and to threat the complainant and his witnesses, therefore, application is liable to be rejected.

5. I have carefully gone through the record and proceeding and documents filed on record. All the allegations are based on document and which are produced on the record along-with charge-sheet. Ld. Advocate for accused submitted that he is ready to abide all the conditions put forth by the court. One more thing is important to mention here that there is nothing recovery or discovery at the instance of the present accused. The alleged offence are triable by Court of Judicial Magistrate.

6. The accused appears to be local residence of Nilanga though his native is West Bengal which supported by documentary

residential proof and address mentioned in the complaint case. In the above circumstances, there is no likelihood to abscond the accused persons from the Court of Justice. Considering nature of the offence and as there no appears any recovery or discovery with the accused. Considering the fact and circumstances I am of the considered opinion that no prejudice will be caused to the complainant, if the present accused is released on bail subject to certain conditions. Hence, order-

### **ORDER**

1. Application is allowed.
2. Accused be released on bail after execution of P.R.Bond and Surety Bond of Rs.50,000/- with one surety of like amount, on the following terms and conditions;
  - (a)The accused shall not pressurize complainant and his witnesses.
  - (b)The accused shall attend the Court regularly without fail.
  - (c)The accused is directed to file address and phone number of his two closed relative.
  - (d)The accused shall not leave the jurisdiction of this court without prior permission of this Court.
3. The accused is directed to file undertaking by stating therein that they will not hamper and tamper the documents and record relating to this case.
4. If the accused violets any afore condition then prosecution is at liberty to seek cancellation of bail.

Date 20/10/2023

**( N.A.L. Shaikh )**  
Judicial Magistrate First Class,  
(Court No.1), Nilanga.