

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 9309 of 2023

With

**CRIMINAL MISC.APPLICATION (FOR EXTENSION OF TEMPORARY
BAIL) NO. 1 of 2023**

In R/CRIMINAL MISC.APPLICATION NO. 8307 of 2023

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DILIP TRINATH GAUDA

Versus

STATE OF GUJARAT

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Appearance:

MR AMIT D SHAH(11232) for the Applicant(s) No. 1

MS KHUSHBU R SHAH(11864) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3

MR. BHARGAV PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 26/05/2023

COMMON ORAL ORDER

[1] Criminal Misc. Application No. 9309 of 2023 was mentioned requesting to grant permission to withdraw the present application, however, the said request was declined.

[2] These are two applications preferred by prisoners seeking temporary bail on the ground of medical treatment.

[3] On perusing the papers produced along with the applications, it transpires that the Medical Certificate, which is annexed in Criminal Misc. Application No. 9309 of 2023, issued by Dreamz Multi Speciality Hospital, wherein the name of doctor is mentioned as Dr. M.L.Patel. Whereas in the connected matter i.e. Criminal Misc. Application No. 1 of 2023 in Criminal Misc. Application No. 8307 of 2023, the medical certificate

issued by Shree Hari Multi Speciality Hospital, wherein the name and stamp of Dr. M.L.Patel is affixed. On examining the degree of Dr. Mr.M.L.Patel mentioned in the said Certificates, it transpires that the said doctor is having the degree of M.B.B.S. , M.R.S.M.(UK).

[4] The order passed by the trial Court dated 22.05.2023 in Criminal Misc. Application No. 3889 of 2023 is perused, the Court has observed in detail with regard to the Certificate issued by Dreamz Multi Speciality Hospital and the degree mentioned in the certificate as M.B.B.S & M.R.S.M. i.e. Member of the Royal Society of Medicine, which belongs to United Kingdom. It is further observed by the learned trial Court that M.R.S.M. is not a degree and the doctor must be having a membership of that institution. Though the degree mentioned by the doctor as M.B.B.S in Criminal Misc. Application No. 9309 of 2023, he issued the certificate advising for surgery, which M.B.B.S cannot perform.

[5] It is further observed by learned trial Court that said doctor is in habit of issuing the Medical Certificates in the name of different hospitals i.e. Aarzo, Shri Hari and Dreamz to aid prisoners for filing applications for bail before Court of law. Different addresses mentioned in different certificates. It is also revealed that the said doctor is having criminal history also and the details of antecedents mentioned in the order as (i) Mahuva Police Station, I-C.R.No. 1 of 2009, registered with Mahuva

Police Station for the offences punishable under Sections 177, 184 and 134 of the Motor Vehicles Act, as well as Sections 193, 195, 406, 418, 420, 468, 471 and 120(b) of the Indian Penal Code, 1860 (ii) I-C.R.No.52 of 2013 registered with Katodara Police Station for the offences punishable under Sections 201, 312, 376, 506(1), 506(2) of the Indian Penal Code, 1860.

[6] Prima-facie, it transpires that the said doctor namely Mr. M.L.Patel (Mr. Mahendra L Patel) is issuing such bogus Certificates in the name of different hospitals with different addresses.

[7] Let the certificate issued by Dr. M.L.Patel be verified and examined by concerned Investigating Officer under the supervision of the Commissioner of Police, Surat so that, correct and true facts be surfaced on record.

List these matters on 08.06.2023. Registry is directed to send a copy of this order to the Commissioner of Police, Surat and learned Additional Public Prosecutor for onward communication.

Registry is also directed to place a copy of this order in connected matter.

VISHAL MISHRA

(M. K. THAKKER,J)