
(2025) 12 DEL CK 1916

In the Delhi High Court

Case No : Bail Application No. 4140 Of 2025 & Criminal Miscellaneous
Application No. 32209 Of 2025

Ayaz Ahmad @ Javed

APPELLANT

Vs

State Nct Of Delhi

RESPONDENT

Date of Decision : 01-12-2025

Acts Referred:

Indian Penal Code, 1860 — Section 19, 34, 120B, 420, 468, 471
Delhi Medical Council Act, 1997 — Section 27

Citation : (2025) 12 DEL CK 1916

Hon'ble Judges : Amit Mahajan, J

Bench : Single Bench

Advocate : M. Sufian Siddiqui, Rakesh Bhugra, Alya Veronica, Sunil Kumar
Gautam

Final Decision : Allowed

Judgement

Amit Mahajan, J

1. The present bail application is filed by the applicant seeking regular bail in FIR No. 383/2023 dated 13.09.2023, registered at Police Station Anand Vihar, for offences under Sections 420/468/471 of the Indian Penal Code, 1860 ('IPC').
2. The present FIR was registered pursuant to a complaint filed by the complainant, wherein, he alleged that on 25.11.2022, he visited the clinic of the applicant as he was suffering from chest pains for the past two weeks.
3. It is alleged that the applicant advised the complainant to take some test for his lipid profile. It is alleged that on instructions of the applicant accused Subham who claimed to be an employee of S.D. Diagnostics took the blood sample of the complainant, whereafter, the complainant paid accused Subham a sum of ₹ 500/-.
4. It is alleged that in the evening of 25.11.2022, the complainant visited the clinic of the applicant, whereafter, the applicant informed the complainant that

his lipid profile is normal.

5. It is alleged that, however, the complainant was not feeling well after taking medicines prescribed by the applicant and the complainant approached another doctor who advised the complainant to again take a test for his lipid profile.

6. It is alleged that after obtaining the new report the complainant consulted his family doctor who stated that his lipid profile is in a very bad condition and the same may cause serious consequences.

7. It is alleged that the complainant thereafter served notices to S.D. Diagnostics, however, the same got returned back by the Postal Authority.

8. It is alleged that during the course of investigation the applicant joined investigation in the present case. It is alleged that the applicant thereafter preferred an application seeking pre-arrest bail before the learned Trial Court.

9. It is alleged that during the adjudication of the applicant's application seeking pre-arrest bail, the applicant submitted a diploma, whereafter, on verification of the same by the authorities the diploma was found to be forged as no such institution existed.

10. It is alleged that during the course of investigation charges under Sections 19/467/120B/34 of the IPC and Section 27 of the Delhi Medical Council Act, 1997 were added against the applicant.

11. It is alleged that on 29.05.2025, an application seeking issuance of NBW's was filed against the applicant, whereafter, on 09.06.2025, the applicant was arrested.

12. The learned counsel for the applicant submits that the role alleged against the applicant is only of referring the complainant to the pathological laboratory. He submits that the applicant himself was not aware that the pathological laboratory was being run illegally. He submits that no role can be attributed on the applicant for the co-accused persons illegally running the pathological laboratory.

13. Per contra, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the present applicant. He consequently prays that the present application be dismissed.

14. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and the gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witness being threatened; etc.

15. It is the case of the prosecution that, the applicant claimed himself to be a practising Doctor and, on the complainant, taking advice on him, was referred to the said pathological laboratory which turned out to be fake.
16. It is pointed out that co-accused Deepak, who was allegedly running the said fake pathological laboratory, has already been admitted on bail by the learned Trial Court vide order dated 11.09.2025.
17. Serious allegations have been made against the applicant that he was giving consultation to the patients by portraying himself to be a doctor, even though he never had an MBBS degree.
18. The applicant claims that he holds a Diploma from a University in Mathura and he was never impersonating himself as a Doctor. He claims to have helped the complainant as a good samaritan and, therefore, cannot be alleged to have criminal intention.
19. The defence and the allegations in that regard will be subject matter of the trial and ought not to be commented upon at this stage.
20. The nominal roll of the applicant indicates that the applicant has already spent more than five months in the custody. The investigation is complete and the chargesheet has already been filed.
21. In the opinion of this Court, the custody of the applicant is no longer required.
22. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.
23. The applicant is therefore admitted on bail and is directed to be released on furnishing a personal bond for a sum of ₹ 20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:
- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
 - c. The applicant shall appear before the learned Trial Court as and when directed;
 - d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
 - e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

24. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

25. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

26. The bail application is allowed in the aforementioned terms. Pending applications also stand disposed of.