BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.08.2025

PRONOUNCED ON : 20.11.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.585 of 2025

and

CRL MP(MD)No.6460 of 2025

Tikat Jackson @ Diccot Jeckson .... Petitioner

Vs.

1.State of Tamil Nadu
Rep. by the Sub-Inspector of Police,
Arupukottai Town Police Station,
Virudhunagar District.

2.The Ministry of Family & Welfare Department,
Government of India, New Delhi.

3.The State of Tamil Nadu,
Rep. by the Director General of Police,
Chennai.

4.The Secretary,
National Medical Commission,
Pocket -14, Sector -8,
Dwarka Phase – I, New Delhi – 110 077.

5.NEHM of India,
Rep. by its Secretary,
C2C/123, Pocket – 12, Janak Puri,
New Delhi – 110068.

6.Tamilnadu Electropathy Medical
Confederation,
Rep. by its President,
Plot No. 15, Narayanaswamy Street,
Thandavamoorthy Nagar,
Valasaravakkam,
Chennai – 600 087. ... Respondents

(R-2 and R-3 are suo-motu impleaded as per order of the Court dated 23.06.2025 in Crl.RC(MD)No.585 of 2025)

(R-3 is suo-motu impleaded as per the order of the Court dated 07.07.2025 in Crl.RC(MD)No.585 of 2025)

(R-4 is suo-motu impleaded as per order of this Court dated 21.07.2025 in Crl.RC(MD)No.585 of 2025)

R-5 and R-6 are impleaded as per the order of this Court dated 07.08.2025 in Crl.MP(MD)No.8704/2025 in Crl.RC(MD)No.585 of 2025)

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the Condition Nos. ii to iv in the Bail Order passed by the Court of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Cr. M.P. 793 of 2025 dated 07.03.2025 and the consequential order in Cr.M.P. 1409 of 2025 dated 22.04.2025.

For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel,
For M/s. Isaac Chambers.

For R-1 & R-3 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 : Mr. K. Govindarajan,
Deputy Solicitor General of India,
Assisted by Mr. Poornachandran,
CGSC.

For R-4 : M/s.Subharanjani Anand,
Standing counsel

For R-5 : Mr.B.Saravanan,
Senior Counsel,
For M/s. Saravanan Associates

For R-6 : Mr. B.Nagarajan

ORDER

This Criminal Revision Case is filed seeking to set aside/modify conditions (ii) to (iv) in the order dated 07.03.2025 in Cr.M.P. No. 793 of 2025 and the consequential order dated 22.04.2025 in Cr.M.P. No. 1409 of 2025.

Case background and impugned conditions:

2. The petitioner founder/ Principal of "Tamil Nadu College" at Aruppukottai, is accused in Crime No. 87 of 2025 of Aruppukottai Town Police Station, registered for offences under Sections 316(2), 318(4) @ 316(2), 318(4), 296(b), 351(2) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The occurrence took place on 08.02.2025 and the petitioner was in custody from 15.02.2025 for nearly 20 days.

3. Allegations, in gist, are that the said institution ran unrecognised courses including a 4½ year B.E.M.S. in Electro-

Homeopathy, misrepresented affiliation with Dr. MGR Medical University, branded itself as "Electro-Homeopathy Medical College/Medical Sciences", collected substantial fees to a tune of at least Rs.4,00,00,000/- (Rupees Four Crores only), and that protests ensued when students allegedly found a different examining body's question papers.

4. On 07.03.2025, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, granted bail with, *inter alia*, a direction to deposit Rs.40,00,000/- (Rupees Forty Lakhs only) with the District Legal Services Authority (herein after to be mentioned as DLSA), Virudhunagar, to be utilised for refunding fees to students wishing to exit, and Condition No.4 requiring the petitioner to keep depositing additional amounts "as per requirement" if Rs.40,00,000/- (Rupees Forty Lakhs only) was inadequate. Subsequently, co-accused, on anticipatory bail, deposited Rs.5,00,000/- (Rupees Five Lakhs only) and Rs.6,00,000/- (Rupees Six Lakhs only). Thus, Rs.51,00,000/- (Rupees Fifty One Lakhs only) came to be held by DLSA.

5. On 22.04.2025, in Cr.M.P. No. 1409 of 2025, the learned

Sessions Court rejected the petitioner's objection to disbursal pending trial and directed implementation of the earlier bail order. As per DLSA's report placed before this Court, out of Rs.51,00,000/- (Rupees Fifty One Lakh only), Rs.40,79,400/- (Rupees Forty Lakhs Seventy Nine Thousand and Four Hundred only) has been disbursed to 201 students and about 40 applications are pending for want of bank particulars. Balance amount of Rs.10,20,600/- (Rupees Ten Lakhs Twenty Thousand and Six Hundred only) remains.

6. This Court, to obtain a holistic view in aid of the limited bail-revision question, *suo-motu* impleaded (i) Ministry of Health and Family Welfare, Government of India (R2), (ii) DGP, Tamil Nadu (R3), and (iii) Secretary, National Medical Commission (R4).

Submissions:

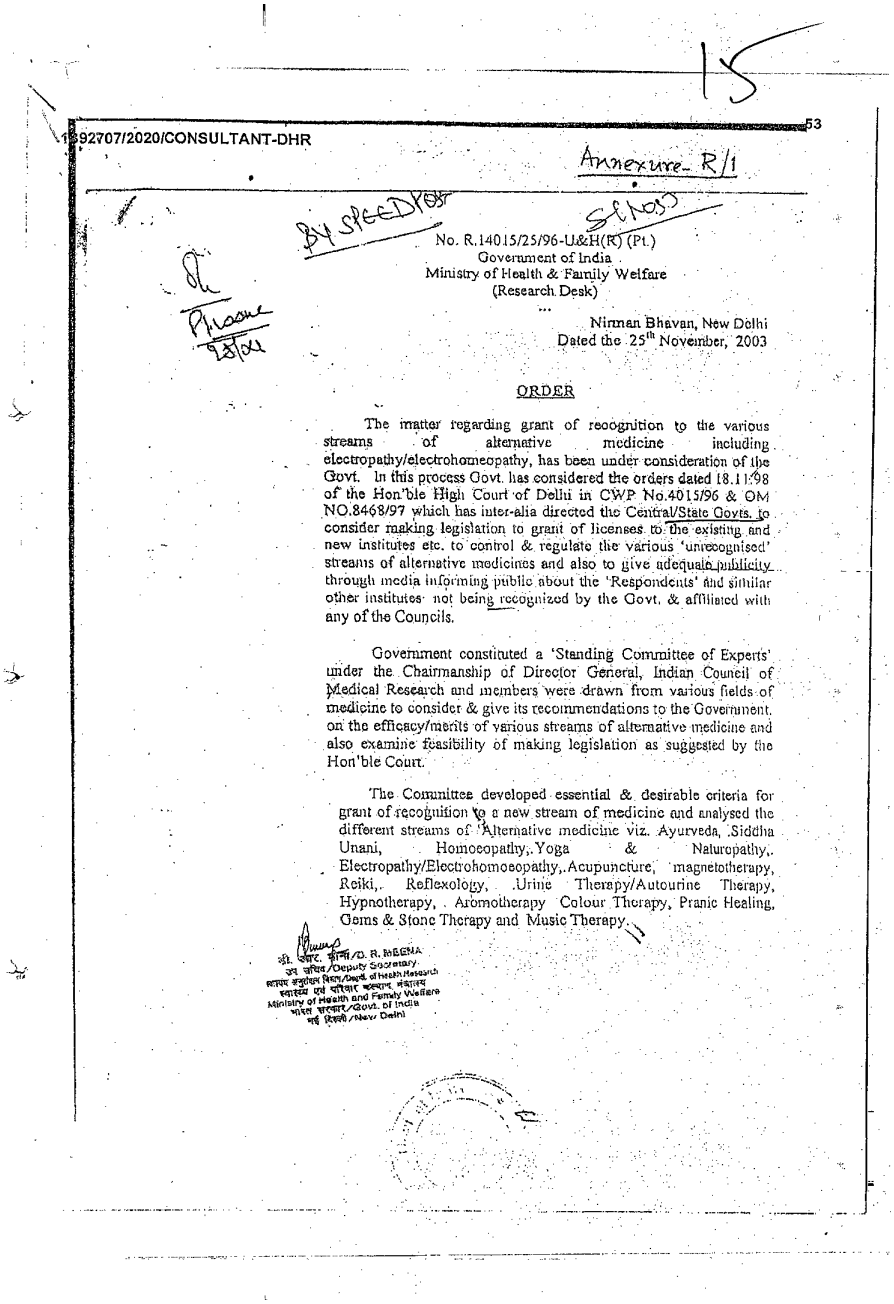
7. The learned senior counsel Mr.Issac Mohanlal appearing for the petitioner, confined his challenge to bail conditions, particularly Condition No.4 as open-ended/onerous, does not seek recall of amounts already disbursed, seeks that the balance Rs.10,20,600/- (Rupees Ten Lakhs Twenty Thousand and Six Hundred only) be tagged to the crime number and kept in an interest-bearing deposit, and that further

disbursal, if any, be structured and not require indefinite top-ups. On the merits, the learned senior counsel asserts multiple boards/courses with stated affiliations; “Bachelor” terminology is conceded to be improper and stated to be withdrawn. “Affiliation from MGR University” is said not to have been represented in application forms.

8. The learned Additional Public Prosecutor Mr.S.Ravi supported the conditions as student-protective and proportionate to alleged misrepresentation and the scale of collections, insisted the branding and a B.E.M.S. (Bachelor) programme are themselves deceptive; Condition No.4 is justified because the quantum of claims may far exceed Rs.51,00,000/- (Rupees Fifty One Lakh only).

9. The learned counsel appearing for the 2nd respondent contended that the Union Government has reiterated its consistent position since 2003 that Electro-Homeopathy is not a recognised system of medicine. No degree/post-graduate programmes and no use of the prefix “Dr.” are permissible. However, there is no ban on practice or imparting education as a mode/therapy between 25.11.2003 and 05.05.2010 policy framework, while an Inter-Departmental Committee (IDC)

continues to examine questions of recognition. The Ministry of Health and Family Welfare, Government of India (Research Desk), in this regard has passed an order in No.R.14015/25/96-U&H(R)(Pt.) dated 25.11.2003 and the same is extracted as follows:



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1392707/2020/CONSULTANT-DHR 53

Annexure R/1

BY SPEED POST

No. R.14015/25/96-U&H(R) (Pt.)
Government of India
Ministry of Health & Family Welfare
(Research Desk)

Nirman Bhavan, New Delhi
Dated the 25th November, 2003

ORDER

The matter regarding grant of recognition to the various streams of alternative medicine including electropathy/electrohomeopathy, has been under consideration of the Govt. In this process Govt. has considered the orders dated 18.11.98 of the Hon'ble High Court of Delhi in CWP No.4015/96 & OM NO.8468/97 which has inter-alia directed the Central/State Govts. to consider making legislation to grant of licenses to the existing and new institutes etc. to control & regulate the various 'unrecognised' streams of alternative medicines and also to give adequate publicity through media informing public about the 'Respondents' and similar other institutes not being recognized by the Govt. & affiliated with any of the Councils.

Government constituted a 'Standing Committee of Experts' under the Chairmanship of Director General, Indian Council of Medical Research and members were drawn from various fields of medicine to consider & give its recommendations to the Government, on the efficacy/merits of various streams of alternative medicine and also examine feasibility of making legislation as suggested by the Hon'ble Court.

The Committee developed essential & desirable criteria for grant of recognition to a new stream of medicine and analysed the different streams of Alternative medicine viz. Ayurveda, Siddha Unani, Homoeopathy, Yoga & Naturopathy, Electropathy/Electrohomoeopathy, Acupuncture, magnetotherapy, Reiki, Reflexology, Urine Therapy/Autourine Therapy, Hypnotherapy, Aromotherapy Colour Therapy, Pranic Healing, Gems & Stone Therapy and Music Therapy.

श्री डी. आर. मीना/D. R. MEENA
उप सचिव/Deputy Secretary
स्वास्थ्य अनुसंधान विभाग/Deptt. of Health Research
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health and Family Welfare
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

#2020/CONSULTANT-DHR

The Committee did not recommend recognition to any of these alternative medicines except the already recognized traditional systems of medicines, viz; Ayurveda, Siddha, Unani, Homeopathy and Yoga & Naturopathy which were found to fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine. The Committee has, however, recommended that certain practices as Acupuncture and Hypnotherapy which qualified as modes of therapy, could be allowed to be practised by registered practitioners or appropriately trained personnel. The Committee further suggested that all those Systems of Medicine not recognized as separate Systems should not be allowed to continue full time Bachelor and Master's degree courses and the term "Doctor" should be used only by practitioners of Systems of Medicine recognized by the Government of India. Those considered as Mode of Therapy can be conducted as Certificate courses for registered medical practitioners to adopt these modes of therapy in their practice, whether modern medicine or Indian Systems of Medicine and Homoepathy.

After carefully examining the various recommendations of the Committee, the Government accepted these recommendations of the Committee. Accordingly, it is requested that the State/UT Govt. may give wide publicity to the decision of the Govt. They may also ensure that institutions under the State/UT do not grant any degree/diploma in the stream of medicine which have not been recommended for recognition and the term 'Doctor' is used by practitioners of recognized system of medicine.

This issues with the approval of Secretary(Health), Ministry of Health & FW..

(Bhavani Thyagarajan
Joint Secretary

1. All Health Secretaries of States/UTs.
2. Secretary, UGC
3. Dental Council of India, Indian Nursing Council, Medical Council of India, Pharmacy Council of India, Indian Council of Medical Research
4. Secretary, Deptt. of ISM&H
5. CCIM, CCH, CCRAS, CCRYN, CCRH, CCRUM,

Min. of Health

D. R. MEENA
Deputy Secretary
Ministry of Health and Family Welfare
Govt. of India
New Delhi

10. Further on 05.05.2010, yet another order was issued by he Ministry of Health and Family Welfare, Government of India (Research Desk) in No.V.25011/276/2009-HR *and the same is extracted as follows:*

No.V.25011/276/2009-HR
Government of India
Ministry of Health and Family Welfare
Department of Health Research
Nirman Bhawan, New Delhi
Dated 5th May 2010

ORDER

This order is passed in pursuance of High Court of Allahabad order dated 3.8.2009 in Civil Miscellaneous Writ Petition No. 31904 of 1991, in which the Court has directed that, "the petitioner may file a fresh representation before the Ministry of Health & Family Welfare, New Delhi, bringing on record various orders passed by various High Courts and that of the Supreme Court. If such a representation is made with regard to recognition of the course, the authority will consider and decide that matter by a reasoned and speaking order within six months from the date of the production of a certified copy of this order with the representation. If necessary, the petitioner would be accorded personal opportunity of hearing by the respondents".

The NEHM through Dr N K Awasthy filed a representation dated 28.10.2009 before the Secretary, which was received on 31.11.2009. The major issues raised in this representation are as follows:

1. Electropathy is a medical system based on herbal and its medicines are prepared from medicinal plants with the help of distilled water. Its medicines are therefore 100% safe and curative.
2. Not a single complaint/ case has been reported/ registered with the Government regarding death of any patient.
3. There have been various Court judgments supporting electropathy. In support of this contention, the representation has annexed copies of orders relating to these cases.
4. Apart from the Court cases, the representation has also submitted affiliation with World Council, Reports of GB Pant University of Agriculture & Technology, letters from Deputy Minister of Health & Family Welfare dated 14.6.91 & 17.6.91, letter from Government Medical Councils, answers to Parliament questions, notification of directorate of health services, Government of NCT of Delhi, private member bill, letter from former Minister of Health & Family Welfare, article published in the Indian Journal of Veterinary Medicine, Punjab Agricultural Magazine, Ludhiana, Notification of J &K Government and letter of SSP Agra (UP), letter of Government of MP, as well as some publications (books & magazines) on electropathy.
5. Dr Awasthy has represented that the Health Ministry should honour the judgment and give shelter to Electropathy Medical System by permitting NEHM for promotion, development & Research (Education & Practice) in Electropathy Medical System at least initially for 15 years so that the necessary criteria for the recognition of a new medical system may be achieved without any hindrances.

.....2/-

6. The representation was examined in the Ministry. The facts are as follows:

The following orders of the Court have been submitted:

i) Order dated 14.8.92 within Suit No 27 of 1992 by Additional District Judge, Delhi has directed that No public notice be issued concerning the activity of the plaintiff during the pendency of the suit.

ii) Order of High Court of Delhi dated November 1998, in FAO No. 1205 of 1998: In public notice it will not be stated that the persons possessing the diploma/ certificates from the respondent No 10 are not entitled to practice Electro Homeopathy system of Medicine.

iii) Order of Hon'ble Supreme Court made on 12.01.2000 in SLP No 11262/2000 (Union of India vs Naturo Electro Homeo Medicose of India):

"Learned counsel for the respondent has pointed out that as per his instructions the order made by the High Court in C.W.P No. 4015/96 to the extent indicated at page 4 of the paper book has been accepted by the petitioners and in view of the matter the impugned direction given by the High court is unexceptionable"

"In view of the order made by us on 12.10.2000 and that no proceedings having been initiated, challenging the order made in the C.W.P No.4015/96, we decline to entertain the matter."

iv) Order of High Court of Jabalpur, MP: 2957/94 dated 19.3.1999 which essentially stated that the degree/diploma obtained by them are not recognized under any law. The practice in alternative system of medicine is not regulated by any stature & hence in the absence of regulation/ prohibition they cannot be asked to stop practice. No legislation governing practice or teaching in alternate system of medicine has been enacted either by the Union or the State. In this case the MP Government has taken action under the MP Ayurvigyan Parished Adhiniyam 1990. The Court held that this Act applies only to allopathic system of medicine and also stated that no other law was brought to the notice of the Court. So long as a valid law is not made regulating this branch, therefore stopping the petitioners from practicing in alternative system of medicine or imparting education is illegal.

v) Order of High Court of Madhya Pradesh at Jabalpur bench, Gwalior in WP No 2462/08 in which directions were given that orders in WP 2957/94 shall apply.

.....3/-

Apart from the above, Letter D.O. No. 2921/ DM (H&FW)91/VIP dated 17.6.1991 from Dasai Chowdhry, Deputy Minister of Health & Family Welfare to Shri Jagannath Singh , MP has been annexed, which states that:

> "I have authorized N E H M of INDIA for the Development Promotion & Research of electropathy in India"

The Government of India issued an Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, based on the recommendations of a "Standing Committee of Experts" under the chairmanship of Director General ICMR, set up by the Government of India. Based on the recommendations of the Committee, the Government of India has given the following orders:

The committee did not recommend recognition to alternative medicines except Ayurveda, Siddha, Unani, Homeopathy & Yoga & Naturopathy which were found to fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

The Committee further recommended that all systems of medicine not recognized as separate systems should not be allowed to continue full time Bachelor and Masters degrees and the term doctor should be used only by practitioners of systems of medicine recognized by Government of India. Those considered as mode of therapy can be conducted as certificate coursers for registered medical practitioners.

The Committee, however, recommended that certain practices as Acupuncture which qualified as modes of therapy, could be allowed to be practised by registered practitioners or appropriately trained personnel.

The Committee, based on the essential & desirable criteria, did not find electropathy to qualify as a system of medicine. Therefore, it is clear that, in accordance with this order, electropathy cannot run full time Bachelor and Masters degrees and those practicing this cannot use the term "doctor".

NEHM, as per the document submitted by them is conducting diploma and certificate courses, and not running full time Bachelor and Masters degrees.

In so far as recognizing the courses run by them, it is clarified that the concerned boards/statutory bodies like the Medical Council, give recognition to courses. Since electropathy is not recognized as a system of medicine, there is no system for recognition of any course run by them in the Health Ministry.

NEHM, has also not submitted any document according to which they fulfill the essential & desirable criteria developed by the Committee for recognition of a system of medicine.

However, the Order No. R. 14015/25/96-U & H(R) (pt) dated 25th November 2003, does not bar the Development & Research of Electropathy.

.....4/-

4

In accordance with Orders of the High Court & Supreme Court quoted here, there is no proposal to stop the petitioners from practicing in electropathy or imparting education, as long as this is done within the provision of the Order No. R. 14015/25/96-U & H (R) (Pt) dated 25th November 2003. Once the legislation to recognize new systems of medicine is enacted, any practice or education would be regulated in accordance with the said Act. The representation of the petitioner dated 28.10.2009 is disposed off accordingly.

This issues with the approval of Secretary, Department of Health Research in this Ministry.

(MOHD. SALEEM)
Under Secretary to the Government of India of India
Tel No.23061986

To

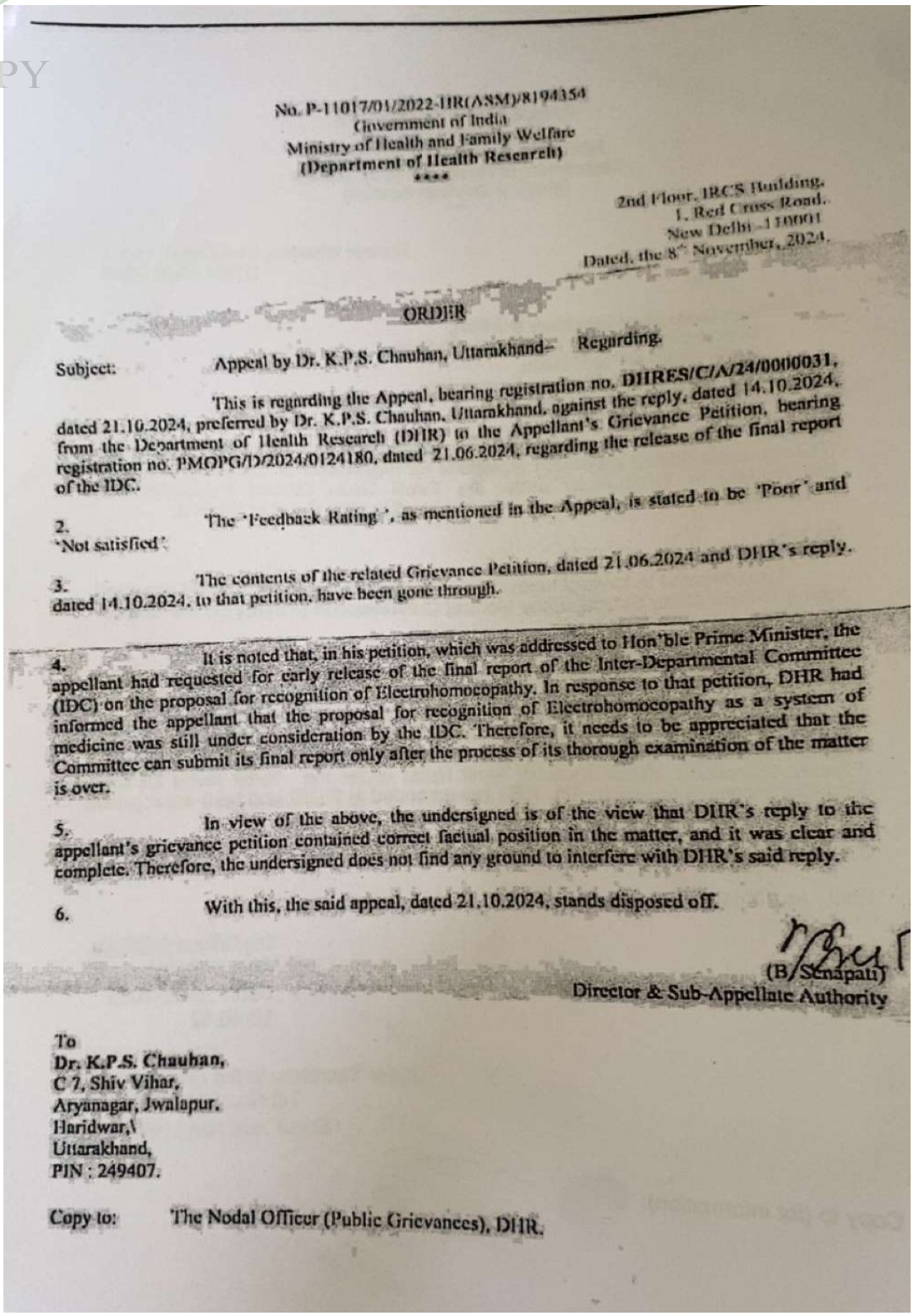
N. E. H. M. of India, H.O. C-2 C/123, Pocket 12, Janak Puri, New Delhi - 110058.

Copy for information and necessary action to :

1. Shri Ravi Bhushan Singhal, Assistant Solicitor General of India, , 200 , Lukerganj, Allahabad. (U.P)
2. Shri Ravi Bhushan Singhal, Assistant Solicitor General of India, High Court of Allahabad, Allahabad. (U.P)

(MOHD. SALEEM)
Under Secretary to the Government of India of India

11. Later on 08.11.2024, another order was issued by the Ministry of Health and Family Welfare, Government of India (Research Desk) in No.P-11017/01/2022-IIRI(ASM)/8194354 and the same is extracted as follows:



No. P-11017/01/2022-HR(ASM)/8194354
Government of India
Ministry of Health and Family Welfare
(Department of Health Research)
****

2nd Floor, IRCS Building,
1, Red Cross Road,
New Delhi -110001
Dated, the 8th November, 2024.

ORDER

Subject: Appeal by Dr. K.P.S. Chauhan, Uttarakhand– Regarding.

This is regarding the Appeal, bearing registration no. **DHRES/C/A/24/0000031**, dated 21.10.2024, preferred by Dr. K.P.S. Chauhan, Uttarakhand, against the reply, dated 14.10.2024, from the Department of Health Research (DHR) to the Appellant's Grievance Petition, bearing registration no. PMOPG/D/2024/0124180, dated 21.06.2024, regarding the release of the final report of the IDC.

2. The 'Feedback Rating', as mentioned in the Appeal, is stated to be 'Poor' and 'Not satisfied'.

3. The contents of the related Grievance Petition, dated 21.06.2024 and DHR's reply, dated 14.10.2024, to that petition, have been gone through.

4. It is noted that, in his petition, which was addressed to Hon'ble Prime Minister, the appellant had requested for early release of the final report of the Inter-Departmental Committee (IDC) on the proposal for recognition of Electrohomocopathy. In response to that petition, DHR had informed the appellant that the proposal for recognition of Electrohomocopathy as a system of medicine was still under consideration by the IDC. Therefore, it needs to be appreciated that the Committee can submit its final report only after the process of its thorough examination of the matter is over.

5. In view of the above, the undersigned is of the view that DHR's reply to the appellant's grievance petition contained correct factual position in the matter, and it was clear and complete. Therefore, the undersigned does not find any ground to interfere with DHR's said reply.

6. With this, the said appeal, dated 21.10.2024, stands disposed off.

(B. Senapati)
Director & Sub-Appellate Authority

To
Dr. K.P.S. Chauhan,
C 7, Shiv Vihar,
Aryanagar, Jwalapur,
Haridwar,\
Uttarakhand,
PIN : 249407.

Copy to: The Nodal Officer (Public Grievances), DHR.

12. He further emphasised that non-recognition persists and the registration as medical practitioners or use of "Dr." is impermissible. The Courts may not compel policy timelines.

13. The learned Senior Counsel, Mr.B.Saravanan, appearing for the 5th respondent, pointed to a line of central communications/Court orders that, while declining recognition, have not banned practice/education as a mode/therapy and he urges against criminalisation pending definitive policy. To buttress his arguments, he cites the Rajasthan Electropathy Act, 2018, to demonstrate one model of regulation.

14. ***Questions for determination:***

(i) Whether, despite having availed bail, the petitioner is maintainably entitled to seek modification of onerous conditions under Section 483 BNSS, 2023?

(ii) Whether Conditions (ii)–(iv) of the learned Sessions Court's order, particularly Condition No.4 (indefinite replenishment), are legally sustainable as reasonable bail conditions?

(iii) How should the balance amount with DLSA be safeguarded/operationalised pending trial without pre-judging civil/criminal liabilities?

The law on bail conditions:

15. Section 483 BNSS (*pari materia* with Section 439 Cr.P.C., 1973) vests the High Court/ Court of Session with wide discretion to impose conditions while granting bail. That discretion is judicial, reasoned, and bounded by the purposes of bail securing presence of the accused, ensuring non-tampering, non-repetition of offences, and orderly investigation/trial. Bail conditions cannot be punitive, compensatory, or such as to pre-adjudge liability.

16. The Hon'ble Supreme Court has consistently held that onerous and excessive conditions which virtually amount to denial of bail or convert bail into an instrument of recovery/compensation are impermissible as held in ***Sumit Mehta v. State (NCT of Delhi)***[1], ***Satender Kumar Antil v. CBI***[2]**.** While conditions to surrender

1 (2013) 15 SCC 570
2 (2022) 10 SCC 51

passport, mark attendance, not visit certain places/persons, etc., are routine and valid, Courts have frowned upon open-ended monetary exactions linked to the quantum of alleged defalcation/dues, since such directions trench upon the province of trial and civil remedies.

17. As to maintainability, it is equally well-settled that onerous or unworkable bail conditions may be modified/relaxed by the Hon'ble High Court in revision/inherent jurisdiction even if bail was earlier accepted. Acceptance of bail does not estop the accused from seeking judicial review of a condition that is excessive or subsequently shown to operate harshly.

18. Heard the learned Counsels on either side and carefully perused the materials available on record.

Analysis:

19. The petitioner's challenge, focused on the nature and sweep of Conditions (ii) to (iv), particularly Condition No.4, is maintainable. A Court of revision may mould/scale conditions to fit the legitimate object of bail and to avoid punitive outcomes at interlocutory stages.

20. Condition No.(ii) return of originals/TC and refund of fees to students who wish to leave and Condition (iii) DLSA to process claims

and disburse, after deducting mess/actuals, in consultation with the principal/authorised person, were framed to defuse campus unrest, protect students, and ensure administrative fairness. At the time of arrest and release on bail, these temporary arrangements were aimed at peace to the management rather than adjudication of rights. Indeed, this Court notes that 201 students have already been paid through DLSA and no recall of those disbursals is sought by the petitioner.

21. However, Condition No.(iv) that if the initial deposit is insufficient, the petitioner "should deposit the additional amount as per requirement" is unbounded in quantum and time, bears no nexus with securing presence or preventing interference with investigation, and effectively converts bail into a running restitutionary mechanism pegged to disputed claims which are matters for trial/civil process. Left untouched, this clause risks becoming punitive, may cripple defence, and pre-judges liability contrary to the presumption of innocence.

22. The learned senior counsel for the petitioner argued that: (i) the scale of loss/liability is unadjudicated; (ii) civil/statutory remedies like consumer protection, restitution, cheating charges on proof,

attachment under Cr.P.C./BNS, etc., exist; and (iii) victim compensation is a matter for statute/trial/sentencing not for open-ended bail conditions. Hence, Condition No.(iv) cannot be sustained.

23. It is the considered view of this Court that, as regards Conditions (ii) and (iii), they may be retained with safeguards/clarifications to prevent prejudice. Narrowly tailored, student-centric interim facilitation through a neutral body like DLSA can continue without casting any adjudicatory imprimatur on merits.

24. With Rs.51,00,000/- (Rupees Fifty One Lakhs only), Rs. 40,79,400/- (Rupees Forty Lakhs Seventy Nine Thousand and Four Hundred only) disbursed and Rs.10,20,600/- (Rupees Ten Lakhs Twenty Thousand and Six Hundred only) remaining, it is appropriate to preserve the balance in an interest-bearing Deposit in the name of the Principal District Judge-cum-Chairperson, DLSA, Virudhunagar, tagged to Crime No. 87 of 2025.

25. For pending/future claimants who wish to withdraw from the institution, DLSA may process claims only upon: (a) obtaining verified

identity, admission and fee proofs, and bank particulars; (b) issuing a short notice to the Investigating Officer and to the petitioner/authorised representative to place material on actual dues/deductions (e.g., mess, uniforms, consumables already supplied); and (c) making a brief speaking note recording *prima facie* verification. Disbursals shall be made from the existing corpus and accrued interest only. No further deposit shall be insisted upon as a condition of bail.

26. For the avoidance of doubt, payments already made shall not be reopened at the instance of the petitioner in this revision or in future. Equally, no student will be foreclosed from pursuing independent civil/statutory remedies for any balance claims, and the petitioner will be at liberty to set up defences/set-offs therein.

27. The learned Additional Public Prosecutor appearing for the State fairly concedes that several institutions in Tamil Nadu purport to run Electro-Homeopathy/NEHM-linked courses. This Court is of the considered view that selective action against one institution undermines parity and creates disorder. While the present order confines itself to bail, this Court observes that uniform enforcement after a state-wide

verification is indispensable. The 4th respondent (DGP) shall place this observation before the Health & Family Welfare Department for appropriate policy-level coordination. It is needless to add, any coercive action must be lawful, even-handed, and reasoned.

28. The learned Counsel appearing for the 2nd respondent submitted that, the stance of "not recognised, but not banned as a mode/therapy" has persisted since 25.11.2003, for the past nearly 22 years. This prolonged policy limbo has spawned litigation, student distress, and *ad-hoc* policing. While this Court cannot dictate timelines to the executive, the 3rd respondent (Ministry of Health and Family Welfare) may consider expediting the IDC (Inter-Departmental Committee) process to a reasoned conclusion so that citizens, students, and States are not left to navigate uncertainty.

29. In fine, this Criminal Revision is partly allowed on the following terms:

(a) Condition No.4 in the order dated 07.03.2025 in Cr.M.P. No. 793 of 2025, requiring the petitioner to keep depositing additional amounts "as per requirement", is set aside as onerous and beyond the legitimate purposes of bail.

(b) Conditions (ii) & (iii) are modified/clarified thus:

DLSA, Virudhunagar, shall continue to receive and process voluntary exit-refund claims from students who opt to discontinue, upon documentary verification and after giving short notice to the Investigating Officer and the petitioner/authorised representative to place materials on deductions actually incurred.Disbursals shall be made only out of the existing Rs.51,00,000/- (Rupees Fifty One Lakhs only) corpus and accrued interest. No further deposit shall be demanded as a condition of bail. The process shall be administrative and facilitative, on a first come basis, not adjudicatory and any residual disputes are left open to appropriate civil/statutory forums.

(c) The balance Rs.10,20,600/- (with any further interest) shall be placed by DLSA in a short-term auto-renewal Deposit in the name of the PDJ-cum-Chairperson, DLSA, Virudhunagar, tagged to Crime No. 87 of 2025, and shall be withdrawn from time to time for disbursal of claims on a first come first serve basis.

(d) The order dated 07.03.2025 in Cr.M.P. No. 793 of 2025 is modified to the extent it directs unconditional implementation of Condition No.4; it shall now be read in consonance with directions in paras 29 (a) to (c) above.

(e) The remaining bail conditions viz., execution of bond with sureties, daily appearance as ordered (liberty to seek appropriate variation before the learned Trial Court), non-tampering, and attendance during investigation/trial shall continue.

(f) Without prejudice to the investigation/trial, the petitioner shall, within two weeks, file before the Investigating Officer and DLSA, a written undertaking that (i) the institution shall not use the prefix “Dr.” for its trainees/faculty unless otherwise legally permitted, (ii) no “Bachelor/Master” nomenclature shall be used for any course Electro - Homeopathy, and (iii) all signage/prospectus/digital material shall eschew any reference suggestive of affiliation/recognition other than what is lawfully held.

30. Nothing in this judgment shall be construed as an expression on the merits of (i) the recognition of any system, (ii) legality of any course, (iii) alleged misrepresentation, or (iv) quantum of any civil/criminal liability. All contentions are left open to be adjudicated on evidence.

31. Registry is directed to communicate this order forthwith to the 3rd and 4th respondents, PDJ-cum-Chairperson, DLSA, Virudhunagar, the Investigating Officer, and the learned Trial Court for compliance. Consequently, connected Miscelleneous Petition is closed.

32. In fine, this Criminal Revision case is partly allowed.

20.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

2.The Sub-Inspector of Police,
Arupukottai Town Police Station,
Virudhunagar District.

3.The Ministry of Family & Welfare Department,
Government of India,
New Delhi.

4.The Director General of Police,
Chennai.

5.The Secretary,
National Medical Commission,
Pocket -14, Sector -8,
Dwarka Phase – I,
New Delhi – 110 077.

6.The Secretary,
NEHM of India,
C2C/123, Pocket – 12, Janak Puri,
New Delhi – 110068.

7.The President,
Tamilnadu Electropathy Medical
Confederation,
Plot No. 15, Narayanaswamy Street,
Thandavamoorthy Nagar,
Valasaravakkam,
Chennai – 600 087.

8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

L.VICTORIA GOWRI, J.,

Sml

CRL RC(MD)No.585 of 2025

20.11.2025