



2025:KER:53941

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 21ST DAY OF JULY 2025 / 30TH ASHADHA, 1947

BAIL APPL. NO. 7852 OF 2025

CRIME NO.935/2021 OF KARUNAGAPALLY POLICE STATION, KOLLAM

PETITIONER/ACCUSED:

SEEMA T.S.,
AGED 50 YEARS, D/O. SOMASHEKARA KURUP, SEEMA NIVAS,
VARANAD P.O., PIN - 688539

BY ADVS.
SRI.S.RAJEEV
SRI.V.VINAY
SRI.M.S.ANEER
SHRI.ANILKUMAR C.R.
SHRI.SARATH K.P.
SHRI.K.S.KIRAN KRISHNAN
SMT.DIPA V.
SHRI.AKASH CHERIAN THOMAS

RESPONDENTS/STATE:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031

*2 STATE OF KERALA [CORRECTED]
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN-682031

*[THE NAME OF THE SECOND RESPONDENT STANDS CORRECTED AS
"STATION HOUSE OFFICER, KARUNAGAPALLY POLICE STATION, KOLLAM
DISTRICT, PIN - 682031", AS PER ORDERS DATED 10.07.2025 IN
CRL.M.A.NO.1/2025 AND 15.07.2025 IN CRL.M.A.NO.2/2025]

SPL PP VACB - RAJESH.A, SRPP VACB - REKHA.S

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 15.07.2025, THE
COURT ON 21.07.2025 PASSED THE FOLLOWING:

**“C.R”****ORDER****Dated this the 21st day of July, 2025**

This is a petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail and the petitioner is the accused in Crime No.2754/CB/KLM&PTA/R/2023, Crime Branch, Kollam arose out of Crime No.935/2021 of Karunagappally Police Station, Kollam.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, in detail. Perused the prosecution records and the report of the Investigating Officer, placed by the learned Public Prosecutor.

3. In this matter, initially the crime was registered by the Karunagappally Police, alleging commission of offences punishable under Sections 417, 465, 468 and 471 of the Indian Penal Code by the accused, and later when the investigation was entrusted to the Crime Branch, offences punishable under Sections 13(2) read with 13(1)(a) of the Prevention of Corruption Act, 1988 [hereinafter referred as



‘P.C. Act’ for short] also were incorporated.

4. This crime was registered on the basis of the complaint forwarded by the Senior Superintendent, Directorate of Health Services, Thiruvananthapuram to the City Commissioner of Police, Kollam, inturn made over to Assistant Commissioner of Police, Karunagappally. The sum and substance of the prosecution allegation is that, the accused with intention to cheat and defraud the Government and the public in general, forged PG Degree Certificate as that of Maharashtra University of Health Sciences, Nasik and by producing the same as original, obtained registration from the Travancore Cochin Medical Council. Later, on the basis of the said forged certificate, opted specialty cadre and worked as Junior Consultant (O & G) at both Cherthala Taluk Hospital and Karunagappally Headquarters Hospital from 22.07.2011 onwards. It is on this premise, the prosecution alleges commission of the above said offences by the accused.

5. While canvassing anticipatory bail to the petitioner, it is submitted by the learned counsel for the petitioner that, the petitioner is a qualified doctor, who passed MBBS in the



year 2003 from Medical College, Kozhikode and enrolled in PG Diploma course in Obstetrics and Gynecology in Maharashtra University of Health Sciences and written examination for the same. Later, the petitioner's husband, who is working as Surgeon, District Hospital, Kollam, informed the petitioner that she had passed the examination and he obtained the alleged bogus certificate from the University. According to the learned counsel for the petitioner, the husband of the petitioner is the person, who entrusted the forged certificate to the petitioner, making her believe that the same was genuine and later when the marital relationship between the petitioner and her husband became strained, the husband failed fake complaint alleging forgery of certificate. The learned counsel for the petitioner fairly submitted that, after registration of this case only, the petitioner came to know about the fact that she did not pass the examination and thereafter she appeared for the examination and passed the examination and she was issued certificate for the same. According to the learned counsel for the petitioner, since the investigation has progressed much, the petitioner may be



enlarged on anticipatory bail, by imposing necessary conditions, to effectuate meaningful investigation.

6. In response to the submissions made by the learned counsel for the petitioner, the learned Public Prosecutor placed the report submitted by the Deputy Superintendent of Police-I, Crime Branch, Kollam. As per the report, it could be gathered that initially, Karunagappally Police registered the crime and as part of investigation, notice under Section 41(1)A of Cr.P.C. was issued to the petitioner. Later, there was complaint from one Sabu and Sreedevi, a couple who tragically lost their infant to neonatal death during childbirth, allegedly due to medical negligence by the petitioner, have raised serious concerns about the gynecology qualification of the accused and expressed dissatisfaction with the ongoing investigation. Thereafter, they approached this Court and as per the order of this Court, the investigation was entrusted to the Crime Branch. Relevant findings stated in the report, submitted by the Investigating Officer are extracted hereunder:

An email was sent from the Directorate of



Health Services to the Maharashtra University of Health Sciences (MUHS) to verify the authenticity of the Post graduate certificates submitted by the accused. A reply was received from the email address registrar@muhs.com, in which it was clarified that the accused had not studied the Master of Surgery in Obstetrics and Gynaecology course, had not appeared for the examination, and had not passed it. This constitutes strong evidence against the accused in this case.

During the investigation period, a speed post letter was received by the Station House Officer at Karunagappally Police Station. The letter contains notarized copies of the forged certificates submitted by the accused. The notary advocates who attested the fake certificates were Advocate Vishal Thombre and Advocate Madhuri Poonawalla, both based in Wardha, Maharashtra. The statements of Adv. Vishal Thombre and Adv. Madhuri Poonawalla were recorded by the Investigating Officer. They stated that the copies of the certificates presented by the accused were attested and provided, and a fee was charged for the same. They believed that the original certificate submitted by Dr. Seema, along with its copies, was genuine. This constitutes strong evidence against the accused in this case.



On 28.10.2023 Investigation Officer went to Maharashtra University of Health Science Nasik for the investigation of the case conducted necessary investigation into this case. The Investigation Officer met with Shri Deepak Viswanath Sangle, Section Officer in the Controller of Examinations Office, and Shri Yashwant G. Patel, Officer-in-Charge of the Vice-Chancellor's Office, and recorded their statements. Controller of Examinations, Maharashtra University of Health Sciences Dr. Sandeep Sitaram Kadu gave an official reply stating that the certificate produced by the accused before the Kerala State Medical Council is not genuine and also stated that the accused has failed the Diploma course during the period 2010 summer. This constitutes strong evidence against the accused in this case.

From 28 June 2024 to 5 July 2024, the Investigation Officer visited the college in Sevagram, Maharashtra, where the accused had studied, to conduct an investigation. There, he met the college's dean and the head of the gynaecology department and recorded their statements. A letter was submitted seeking details of the correspondence the accused had with the college, both during and after her



studies. Along with the reply received, there was a letter sent by the accused to the college dean on 02.09.2010. In that letter, the accused requested the return of the certificates submitted at the time of her admission and stated that she would not appear for the examination again. This indicates that the accused was aware on 2 September 2010 itself that she had not passed the diploma examination. Subsequently, an inventory was prepared; the documents were taken into custody, included in Form 15, and presented before the Hon'ble Court. This constitutes strong evidence against the accused in this case.

On 8 August 2024, the Investigating Officer sent a letter to the Drawing and Disbursing Officer of Karunagappally Taluk Headquarters Hospital to inquire whether the accused was employed in the specialty cadre and receiving a salary from the public treasury. The reply stated that the accused was employed in the specialty cadre and was receiving a salary from the government treasury. The salary was as per the pay scale of the Assistant Surgeon post. However, the accused was also availing other benefits associated with the position of Junior Consultant in the specialty cadre. It was revealed



that the accused had been working in the specialty cadre using forged Post Graduate certificates and had been receiving the associated benefits. The documents provided from Drawing and Disbursing Officer of Karunagappally Taluk Headquarters Hospital, were taken into custody, inventoried, included in Form 15, and presented before the Hon'ble Court.

7. The learned Public Prosecutor vehemently opposed grant of bail to the petitioner and pointed that the arrest and custodial interrogation of the petitioner are necessary, on the submission that, the petitioner with deliberate intention to deceive both the public and Government, aiming to secure a position in the Specialty Cadre and to get unlawful gain, forged and used PG Diploma Certificate in Obstetrics and Gynecology from the Maharashtra University of Health Sciences. The learned Public Prosecutor opposed grant of anticipatory bail to the petitioner referring the report of the Investigating Officer, whereby the Investigating Officer submitted that, if the accused would be released on bail, there would substantial risk of her influencing the witnesses and tampering the evidence and it is impossible to obtain



requisite evidence from the accused and also there would be significant risk that, the petitioner would tamper the digital evidence relied on by the prosecution.

8. While addressing the question as to whether the petitioner deserves anticipatory bail, it is relevant to refer the menace of corruption in the society, which would carve out and destroy the development of the nation and also destroy the genuine right of the citizens on the midst of corruption. In this connection, it is relevant to refer decision of the Apex Court reported in **[2023 KHC 6191 : 2023 (1) KLD 415 :2023 KHC OnLine 6191 : 2023 SCC OnLine SC 198], State of Chattisgarh v. Aman Kumar Singh**, wherein the Apex Court held as under:

We preface our discussion, leading to the answers to the above two questions, taking note of a dangerous and disquieting trend that obviously disturbs us without end. Though it is the preambular promise of the Constitution to secure social justice to the people of India by striving to achieve equal distribution of wealth, it is yet a distant dream. If not the main, one of the more prominent hurdles for achieving



progress in this field is undoubtedly 'corruption'. Corruption is a malaise, the presence of which is all pervading in every walk of life. It is not now limited to the spheres of activities of governance; regrettably, responsible citizens say it has become a way of one's life. Indeed, it is a matter of disgrace for the entire community that not only on the one hand is there a steady decline in steadfastly pursuing the lofty ideals which the founding fathers of our Constitution had in mind, degradation of moral values in society is rapidly on the rise on the other. Not much debate is required to trace the root of corruption. 'Greed', regarded in Hinduism as one of the seven sins, has been overpowering in its impact. In fact, unsatiated greed for wealth has facilitated corruption to develop like cancer. If the corrupt succeed in duping the law enforcers, their success erodes even the fear of getting caught. They tend to bask under a hubris that rules and regulations are for humbler mortals and not them. To get caught, for them, is a sin. Little wonder, outbreak of scams is commonly noticed. What is more distressing is the investigations/inquiries that follow. More often than not, these are botched and assume the proportion of bigger scams



than the scams themselves. However, should this state of affairs be allowed to continue? Tracking down corrupt public servants and punishing them appropriately is the mandate of the P.C. Act. "We the people", with the adoption of our Constitution, had expected very high standards from people occupying positions of trust and responsibility in line with the Constitutional ethos and values. Regrettably, that has not been possible because, inter alia, a small section of individuals inducted in public service for 'serving the public' appear to have kept private interest above anything else and, in the process, amassed wealth not proportionate to their known sources of income at the cost of the nation. Although an appropriate legislation is in place to prevent the cancer of corruption from growing and developing, wherefor maximum punishment by way of imprisonment for ten years is stipulated, curbing it in adequate measure, much less eradicating it, is not only elusive but unthinkable in present times. Since there exists no magic wand as in fairy tales, a swish of which could wipe out greed, the Constitutional Courts owe a duty to the people of the nation to show zero tolerance to corruption and come down heavily against



the perpetrators of the crime while at the same time saving those innocent public servants, who unfortunately get entangled by men of dubious conduct acting from behind the screen with ulterior motives and/or to achieve vested interests. The task, no doubt, is onerous but every effort ought to be made to achieve it by sifting the grain from the chaff. We leave the discussion here with the fervent hope of better times in future.

9. Thus, it is the duty of the court to ensure, in corruption cases in particular that, none of the corrupt person, should get liberal relief, so as to perpetuate corruption, taking such cases in a light manner.

10. It is interesting to note that, in the instant case, according to the learned counsel for the petitioner, the petitioner has no knowledge regarding creation of forged PG Diploma Certificate of her own. But, this submission could not be accepted with pinch of salt. That is to say, every person, who writes an examination, having anxiety to know the result of the same, would ensure the result, either in positive or in the negative. If so, the petitioner, who checked



the result, should have knowledge that she failed in the examination. Despite knowing the result that the petitioner did not pass the examination, she somehow forged certificate to the effect that she had passed PG Diploma Course in Obstetrics and Gynecology from Maharashtra University of Health Sciences and the same was used as genuine and thereafter, the petitioner worked in two Government Hospitals to treat poor people.

11. In the report of the Investigating Officer extracted hereinabove, it is stated that, a letter was sent by the petitioner/accused to the college dean on 02.09.2010 requesting to return the certificates submitted at the time of her admission and stated that she would not appear for the examination again. This indicates that the accused was aware on 2 September 2010 itself that she had not passed the diploma examination.

12. Thus, the allegation against the petitioner, if analyzed, it could be gathered that, the petitioner was aware of the fact that she did not pass the PG Diploma Examination and she is not qualified to work as Junior Consultant in the



department of Obstetrics and Gynecology, knowing fully well that by using forged certificate she worked and treated many patients and as reported by the Investigating Officer, a complaint was raised by Mr.Sabu and his wife Sreedevi, alleging that their child was subjected to infanticide due to the incompetency of the petitioner and they also raised serious concerns about the gynecology qualifications of the petitioner.

13. It is relevant to note further that, even though crime was registered as early as on 2021, no effective investigation carried out in a serious case of this nature by the then Investigating Officer and when the above said Sabu and Sreedevi filed writ petition, the investigation was entrusted to the Crime Branch, by intervention of this Court. In this case, it appears that, in the matter of creation of forged PG Diploma Certificate and use of the same as genuine, the petitioner has direct knowledge and she could not escape from the same by finding fault with her husband.

14. In such a case, the arrest and custodial interrogation of the petitioner are necessary, as pointed out



by the learned Public Prosecutor, for obtaining requisite evidence from the petitioner and also to avoid tampering of digital evidence relied upon by the prosecution. In such view of the matter, the petitioner could not be released on anticipatory bail, in a serious case of this nature. Thus, the bail application would necessarily fail.

Accordingly, this bail application is found to be meritless and the same stands dismissed, with direction to the petitioner to surrender before the Investigating Officer, forthwith. Failing which, the Investigating Officer is at liberty to proceed as per law, to effectuate further investigation, without fail.

Sd/-

**A. BADHARUDEEN
JUDGE**

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APPENDIX OF BAIL APPL. 7852/2025

PETITIONER ANNEXURES

Annexure I

**COPY OF THE FIR IN CRIME NO 935/2021 OF
KARUNAGAPALLY POLICE STATION DATED 7.07.2021**

Annexure II

**COPY OF THE CERTIFICATE ISSUED FROM MAHARASHTRA
UNIVERSITY OF HEALTH SCIENCE, NASIK, INDIA**