

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2133 OF 2015

Dr. Smita Sahebrao Mundhe

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Joydeep Chatterji, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. – State.

Mr. Girish Nagori, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 22nd JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since she is apprehending her arrest in connection with Crime No. 29/2015 registered with Jilha Peth police station, District Jalgaon for the offences punishable u/s 304(2),338-A,465,468 read with 34 of the Indian Penal Code.

2. Heard Mr. Joydeep Chatterji, learned counsel for the applicant, Mrs. S.G.Chincholkar, learned A.P.P. for Respondent – State and Mr. Girish Nagori, Advocate for first informant in extenso.

3. Present applicant is shown as accused No. 6 in the

F.I.R. It is not in dispute that the present applicant's educational qualification is M.D.[Microbiology] and she was appointed as Medical officer [Microbiology]. Even according to the prosecution, at no point of time, present applicant was given duty to attend any newly born child. Her educational qualification suggest that she was to attend the laboratory rather than any intensive care unit.

Since the present applicant is not in any way responsible for any death and since the entire record is already seized by the Investigating Officer and is available with him or with the hospital authorities, in so far as the allegations made against the present applicant about her signature on the muster role is concerned, only for that custodial presence of the applicant is not at all required. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 29/2015 registered with Jilha Peth police station, District Jalgaon for the offences punishable u/s 304(2),338-A,465,468 read with 34 of the Indian Penal Code, applicant Dr. Smita Sahebrao Mundhe be released on anticipatory bail on she executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of

like amount.

- (iii) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2133.2015