

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

CRIMINAL APPLICATION NO. 2147 OF 2015

Dr. Umesh Sampat Wankhede **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. S.V.Deshmukh, 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 the applicant is apprehending his 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. S.V.Deshmukh, 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 was appointed in the Govt.

hospital at Jalgaon as Orthopaedics Surgeon. Applicant is shown as accused No. 7 in the F.I.R. There are no allegations against applicant that any way he was responsible for any of the death of the newly born child which was occurred in the said hospital.

The only allegation made against the applicant is that he was not present in the hospital on the particular date, but his signatures were appearing on the muster roll.

4. Entire record is already seized by the Investigating Officer. All other relevant record is already in the custody of the Investigating Officer or with the hospital authorities. In that view of the matter, custodial presence of the present applicant is not warranted, especially when he is not at all responsible for any death of the newly born child. 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. Umesh Sampat Wankhede be released on anticipatory bail on he 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. 2147.2015