

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

CRIMINAL APPLICATION NO. 2154 OF 2015

Dr. Abhay s/o Bhanudas Joshi **.... APPLICANT**

V E R S U S

The State of Maharashtra & Anr. **.... RESPONDENTS**

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Mr. K.C.Sant, 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. K.C.Sant, 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 having qualification as M.D.

[Medicine]. Applicant was given duty to attend the wards other than the ward for newly born children.

4. Even according to the prosecution, present applicant is noway concerned in respect of the death of any newly born child. The allegations against the present applicant is that he has signed the muster roll either in advance or after the post date.

5. 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. In that view of the matter, no role is attributed to the present applicant in respect of death of any 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. Abhay s/o Bhanudas Joshi 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.]