

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

CRIMINAL APPLICATION NO. 2155 OF 2015

Dr. Hira d/o Anand Damle

.... **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 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. 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

Optholmologist.

Even according to the prosecution, present applicant is noway concerned in respect of the death of any newly born child.

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 she 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. Hira d/o Anand Damle 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. 2155.2015