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

**CRIMINAL APPLICATION NO.5191 OF 2015  
AND  
CRIMINAL APPLICATION NO.4378 OF 2015  
IN  
CRIMINAL APPLICATION NO.2134 OF 2015**

Dr. Mandar Shriniwas Kale

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S.S. Bhole with Mr Aaditya A. Gore, Advocates instructed by Mr V.M. Kagne, Advocate for applicant;  
Mr S.R. Palnitkar, A.P.P. for respondent

**CORAM : N.W. SAMBRE, J.**

**DATE : 28<sup>th</sup> September, 2015**

**ORAL ORDER :**

Heard Mr Bhole, learned Counsel appearing on behalf of the applicant and learned Addl. Public Prosecutor on behalf of the respondent.

2. The applicant herein, who was appointed on contract basis as a Medical Officer, is seeking pre-arrest bail, in connection with C.R. No.29 of 2015, registered with Zilapeth police station, Jalgaon, for offences punishable under section 304-II, 338, 465, 468 read with sec. 34 of the Indian Penal Code.

3. This Court must take a judicial note of the fact that in earlier round, this Court, by a detailed order dated 22<sup>nd</sup> July, 2015, after considering the pros and cons of the present matter, has rejected the bail application of the present applicant, on merits. Subsequent thereto, Petition for Special Leave to Appeal (Cri.) No.7087 of 2015, preferred by the applicant before

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the Apex Court, questioning the order passed by this Court refusing to enlarge the applicant on bail, came to be withdrawn.

4. The applicant now is agitating in the present application, that there is a subsequent report, which does not hold him responsible for the alleged death of the children in the hospital, of which he was in-charge.

5. Perusal of the second report depicts that the said report dated 25<sup>th</sup> August, 2015 was very much available when the order of withdrawal of Petition for Special Leave to Appeal (Cri.) No.7087 of 2015 was passed by the Apex Court on 28<sup>th</sup> August, 2015. As such, this Court is required to presume that the said report was duly considered by the Honourable Apex Court and the applicant has withdrawn the bail application.

6. It is also required to be noted that this Court, while dealing with the contentions of the present applicant, viz. how he is not involved in the offence in question, has recorded the submissions in detail and has also dealt with the same, including that of the inquiry report and statements of the Nurse and other witnesses.

7. In view of above, in my opinion, no case for grant of bail under section 438 of the Code of Criminal Procedure, in this second round is made out. Criminal Application, thus, fails and stands rejected.

8. In view of rejection of the present application, Criminal Application No.4378 of 2015 stands disposed of.

**(N.W. SAMBRE, J.)**

amj