

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1017 OF 2015

Shekhar Ramchandra Patil ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Harshad Bhadbhade for the Applicant
Ms.Veera Shinde, APP, for Respondent – State
Mr.Sanskar Marathe for original complainant
Mr.P.C. Misar, I.O. / P.I., Dapoli police station, Ratnagiri – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 22, 2015**

P.C.:

1. By order dated 20.7.2015, interim pre-arrest bail was granted to the applicant/accused. The applicant/accused is apprehending arrest in C.R. No.62 of 2015 registered with Dapoli police station for the offences punishable under section 328 of the Indian Penal Code. On 2.7.2015, one Kumar Basam Sultan, a student of the school where the applicant/accused is working as the Principal, became unconscious. So his family members shifted him to the hospital and on examination and after giving treatment, the Doctor removed liquid consisting Organo Phosphate from his stomach. The child informed that when he went for Karate class, his leg was paining and therefore, he complained about it and at that time, the Principal of the school, i.e., the applicant/accused,

took him to the laboratory and gave him some liquid as medicine. After consuming the medicine, after some time, he became unconscious.

2. The learned Counsel for the applicant/accused submitted that there was no intention to administer any poisonous drug or liquid to the child. The allegation that he has committed offence under section 328 are false. He is the Principal of the school and has no antecedents. His custody is therefore not required.

3. Learned Prosecutor has opposed the application. She submitted on instructions from the Investigating Officer, who is present in the Court, that the C.A. Report on the liquid Organo Phosphate is awaited.

4. On perusal of the FIR, even though the allegations are considered true as they are, the ingredients under section 328, prima facie, are not proved. No custody is required. Hence, the order of interim pre-arrest bail is hereby confirmed with a modification as to the attendance that the applicant/accused shall attend the concerned police station on 26th July, 2015 and 2nd August, 2015 between 5pm to 6pm.

5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)