

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1267 OF 2015

1. Sachin Ramchandra Nachankar
2. Ananda Bapu Patil
3. Ganesh Shankar Patil ...Applicants

V/s.

The State of Maharashtra ...Respondents.

Mr. Shyamrishi Pathak for the Applicant.
Mrs. Sharmila Kaushik APP for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th AUGUST, 2015.

P.C.

1. Heard learned counsel for the applicants and the learned APP for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.31/2015 registered with the Mankhurd Police Station for the alleged offence punishable under section 4 of the Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to Property) Act, 2010.

3. The learned counsel for the applicants submits that the applicants have been falsely implicated and involved in the said C.R. He submitted that in the intervening night between 14/8/2015 and 15/8/2015, applicant no.1's cousin expired in Fortis hospital. He

submitted that on 14/8/2015 as the condition of the applicant No.1's cousin was not good, he was taken to New Life Hospital. He submitted that the said hospital sent the said patient to Sai Hospital and Sai Hospital further sent the patient to Fortis Hospital, where the applicant No.1's cousin expired. Applicant No.1 lodged a complaint with the Dy. Commissioner of Police on 15/8/2015 alleging medical negligence by the doctors. He submits that the complaint was registered as against the doctors of New Life Hospital on 18/8/2015. He submits that the applicants were aggrieved by the fact that one Dr. Kundalik Gorad who had referred the patient to New Life Hospital, was not made an accused despite a grievance having been made against him, to the police authorities. He submitted that Dr. Gorad on learning the said fact, called the applicants to his clinic and without any incident occurring in the clinic, lodged a false complaint as against the applicants on 21/8/2015. He submitted that according to Dr. Gorad, applicants abused the complainant, patients and persons present at the clinic. He submits that there are no allegations of physical assault by either of the applicants. He submitted that there was a CCTV camera in the said clinic and that the said CCTV footage will support the case of the applicants, that no such incident as alleged by the complainant had taken place.

4. Learned APP seeks time to take instructions .
5. Stand over to 31/08/2016 H.O.B. Investigating Officer to remain present on the next date with the papers of investigation.
6. In the meantime, the applicants are granted interim

anticipatory bail on the following terms and conditions:-

ORDER

- (i) In the event of arrest, the applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.
- (ii) The applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case.

(REVATI MOHITE DERE, J.)