

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2092 OF 2016

- 1] Charansing S/o Harising Baware
Age 67 years, Occupation Labour
- 2] Sikandarsing S/o Charansing Baware
Age 40 years, Occupation Service
- 3] Bachusing @ Vikramsing S/o Charansing Baware
Age 43 years, Occupation Service (Home-Guard)
- 4] Kundansing @ Dadasing S/o Charansing Baware
Age : 35 years, Occupation Service
- 5] Surajsing S/o Charansing Baware
Age : 25 years, Occupation Education

All R/o Shersing Gurunanak Nagar,
Ashti, Tq. Ashti,
District : Beed

.. Applicants

VERSUS

The State of Maharashtra

.. Respondent

Mr. Bhushan B. Kulkarni, Advocate for the applicants
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 22/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Ashti Police Station, Dist. Beed

in crime no. 50 of 2016 for the offences punishable under section 143, 147, 148, 149, 323, 332, 333, 353, 427, 504 of the Indian Penal Code and under section 4 of the Maharashtra Medical Services Rules, are praying for their release on bail, in the event of their arrest.

3. The FIR of the Medical Officer - Balaji Gutte of Government Hospital Ashti would show that present applicant no.1's son was admitted to the said hospital on 06/03/2016 on the request of the present applicant no.1, that the condition of his son was critical. However, when the said son was examined, he was found to be dead. The applicant no.1 as well as his companion including the present applicants started insisting that the patient was alive and treatment should be continued on him. All of them thereafter created a scene. Present applicant no.1 gave a slap to the complainant. Rest of the applicants alongwith their companion started abusing and beating the Medical Officer with fists and kicks. They even ransacked the entire hospital including the medicines, oxygen cylinder, CCTV etc. Thereafter, they went away and

hurled stones towards the hospital. It is further alleged that the applicant no.4 - Kundansing and applicant no.5 - Surajsing had beaten the mediators with a wooden plank. In the situation, the crime came to be registered.

4. Mr. Bhuhan Kulkarni, learned counsel for the applicants submits that in-fact on the day of the incident, applicant no.1's son was taken to the hospital in a critical condition. The present informant however did not take care to treat him immediately. He said that as he was to go away for the meal, he would examine the patient later-on. Despite various pleadings, he did not budge. Even arrangement for ambulance was not made. Three of the Doctors alongwith one Constable brought an injection with a drug, the period of which had already expired and the said drug was administered to the deceased. Even one Police Inspector - Aher also came there and in the circumstances, the son of the applicant no.1 was killed. He points towards the FIR filed by applicant no.1 - Charansing, to that effect on 05/03/2016.

. In the above circumstances, the learned counsel for the applicants submits that only as a counter-blast to the said complaint, the present complaint is filed and he submits that anticipatory bail be granted to the applicants.

5. Upon hearing both sides, Mr. Bhushan Kulkarni, learned counsel for the applicants, on instructions submits that applicant nos.2 to 5 do not wish to press the present application and the application as regards them may be disposed of as withdrawn, however, considering the case of applicant no.1 - Charansing, whose son was lost, anticipatory bail may be granted to him.

6. Learned A.P.P. opposed the application. He submits that the Medical Officer has taken efforts to examine the patient. He was however already found dead. Applicant no.1 however was not ready to listen. His relatives also unnecessarily became agitated and the incident, as detailed in the present complaint, has occurred.

7. Upon hearing both sides and finding that the present applicant no.1 has lost his son on the same day, and due to his somewhat illiteracy and his state of mind, he may have joined in the incident, in my view, his custodial interrogation is not required. In the circumstances, the following order:-

8. Interim protection granted to applicant no.1 - Charansing Harising Baware by this Court vide order dated 12/04/2016 is hereby made absolute on the same terms and conditions.

9. Application as regards applicant no.2 to 5 is hereby dismissed as withdrawn.

10. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/