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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.536 OF 2016**

Amol Subhash Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Kuldeep Patil, for the Applicant

Ms. R.M.Gadhavi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 7th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 36 of 2016 registered with the Alibag Police Station, Raigad for the alleged offences punishable under Sections 143, 147, 149, 353, 427, 504, 506 of Indian Penal Code and under Section 37(1) (3) of the Bombay Police Act.
3. On 13th March, 2016, Suraj died in the Civil hospital, during operation. As the family members of Suraj felt that Suraj died due to the

negligence of the doctors, they abused the doctors, called people from their village, pursuant to which, 70-80 persons entered the hospital and caused damage to the property.

4. Learned Counsel for the applicant states that the applicant is an advocate, who was present at the spot, as the family members of Suraj intended to lodge a complaint, as against the doctors of the hospital for negligence. He submitted that there is no overt act, alleged qua the applicant. According to him, the applicant is neither related to the deceased – Suraj nor does he hail from the same village.

5. Learned APP on the instructions of the Investigating Officer, who is present in Court states, that in the CCTV footage, the applicant is not seen, however his presence is seen in the mobile footage clip taken by the police photographer.

6. Perused the papers. The applicant is neither related to the deceased – Suraj, nor does he belong to the village from which 70 to 80 persons came and caused damage to the hospital. No overt act is attributed

to the applicant.

7. Considering the aforesaid, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the concerned Investigating Officer, as and when called for, till the filing of the charge-sheet;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima*

facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.