

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1019 OF 2016**

Dr. Nitin Indarchand Zabak

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V. V. Khanolkar for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

PSI Mr. D. D. Chavan from State Hill Line Police Station, Kalyan is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 4th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-203 of 2016 registered with the State Hill Line Police Station, Kalyan, for the alleged offences punishable under Sections 193, 406, 420, 465, 467, 471, 474 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is a laparoscopic surgeon and is running his hospital in the name of Ambernath City Hospital Pvt. Ltd. He submits that the applicant has been falsely implicated because he is related to co-accused No. 2. He further submitted that the applicant is not concerned with the Will which was allegedly executed by Mrs. Sushma @ Padma Anil Jain and that he is neither a beneficiary, nor an executor nor a witness to the said Will. He submitted that the deceased was not admitted in the applicant's hospital.

4. Learned A.P.P does not dispute the aforesaid. She submits on the instructions of the Investigating Officer, who is present in Court that the only allegation against the applicant is that he referred the deceased to Gurukripa Criticare Hospital, where the deceased succumbed to her illness. She does not dispute the fact that the applicant is neither a beneficiary nor an executor nor a witness to the Will, which was executed by the deceased.

5. Perused the papers. The only allegation against the applicant is that he referred the deceased to Gurukripa Criticare Hospital, Kalyan for her treatment for Hepatitis C, where the deceased succumbed to her illness.

The applicant is neither a beneficiary nor an executor nor a witness to the Will, which was allegedly executed by the deceased.

6. 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.15,000/- with one or two sureties in the like amount ;

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

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

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

8. 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.

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

REVATI MOHITE DERE, J.