

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1616 OF 2017

Sunil s/o. Ramkisan Kusalkar .. Applicant
Age. 30 years, Occ. Driver,
R/o. Chakkar Bardi, Nagpur-Surat Road,
Opp. Bhalji Nagar, Dhule,
tq. & Dist. Dhule.

Versus

The State of Maharashtra .. Respondent

Mr.C.R. Deshpande, Advocate for the applicant.
Mr.M.M. Nerlikar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 12.04.2017

P.C. :-

1. This application is filed for bail. Both sides are heard. Statement is made that this is the first application filed for bail in this Court. Papers of investigation were made available to this Court for perusal.

2. The crime is registered on the basis of report given by one Arunkumar Nage, Medical Officer in Hire Medical College, Dhule. On 13.03.2017, when he was on duty prior to 8.00 a.m., one Shatrughan, injured in motor vehicle accident was admitted in the hospital. Shatrughan had sustained injury to his head and there was bleeding

from his nose and ear. The Doctor formed opinion that opinion of Neurosurgeon was necessary and for that CT scan was required. Due to movement of the patient, it was difficult for the Doctors to conduct CT Scan and therefore they were not going on. The Doctors tried to convince the relatives of Shatrughan, but they became angry. The allegations are made that 20 - 22 persons from the side of the relatives of Shatrughan picked quarrel and they started punishing and pulling the Doctors. The allegation is made that Dr.Mamunkar tried to convince to behave well, but they assaulted Dr. Mamunkar and caused serious injuries to him. Name of present applicant was given in the F.I.R. and the persons who had assaulted Dr. Mamunkar had also caused damage to the furnitures of the hospital.

3. This Court has gone through the M.L.C. in respect of Dr.Mamunkar. It shows that he sustained multiple abrasions. There was blackening of left eye. There was fracture of bone of face. The left eye became red. The submissions made show that Dr.Mamunkar is still taking treatment for the injury to his left eye. There are statements of witnesses like Dr. Mamunkar and other Doctors showing that such assault was made on Dr. Mamunkar.

4. Learned A.P.P. submitted that the incidents of attack on Doctors are increasing and so persons like present applicant may not be granted bail. The applicant is about 30 years of age and his occupation is shown as driver. There is no record of bad antecedents. The applicant is behind the bar since 13.03.2017. This incident is unfortunate, but there are no specific allegations as against present applicant indicating that he gave particular blow. The allegations are made as against 20-22 persons but name of only nine persons are given by the witnesses. In view of these circumstances, the applicant cannot be detained behind the bar till disposal of the case.

i. In the result, the application is allowed.

ii. The applicant – Sunil s/o. Ramkisan Kusalkar be released on bail, in connection with Crime No. 51 of 2017, registered with Dhule City Police Station, for the offences punishable under sections 307, 323, 332, 333, 353, 143, 147, 149, 504, 506, 427 of the Indian Penal Code and under section 37(1)(3), 135 of Mumbai Police Act and under section 3 & 4 of the Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or loss to property) Ordinance, 2009, on his furnishing PR & SB of Rs.15,000/-

(Rupees Fifteen Thousand).

iii. The applicant is not to tamper the prosecution witnesses.

iv. The applicant is not to commit similar offence.

v. The applicant is not to enter 1 km. vicinity of Hire Medical College, Dhule.

[T.V. NALAWADE, J.]