

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

CRIMINAL APPLICATION NO. 3037 OF 2017

Vijay s/o Wamanrao Shejwal, Age
41 years, Occ. Service, R/o. ... **Applicant**
Dhohar Wase Rohidaspura, Main
Road, Phulambri, Tq. Phulambri,
District Aurangabad.

VERSUS

The State of Maharashtra, ... **Respondent**
Through : Police Station
Phulambri, Tq. Phulambri, Dist.
Aurangabad.

Mr.S.S. Naik, Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 17th JULY, 2017

ORDER:

1. Heard Mr. Naik, learned advocate appearing for the applicant and Mr. Lokhande, learned A.P.P. appearing for the respondent-State.

2. Crime No. 81/2017 is registered against the present applicant in Fulambri Police Station for the offence punishable under section 304 of the Indian

Penal Code. It is alleged by the informant that, her husband was taken to the hospital of Dr. Bavaskar at Fulambri on 13.05.2017 for pains in neck and the applicant treated him. Thereafter he was taken on motor-cycle at their village Relgaon Tq. Fulambri. Again pains were started, therefore he was taken to Devgiri Hospital Phulambri. After examination he was taken to Ajintha Hospital HUDCO Aurangabad and on the same day he was shifted to GHATI hospital Aurangabad. During the medical treatment he died on 14.05.2017. Therefore the offence is registered as referred above.

3. I have perused the contents of the first information report, the statement of Dr. Ganesh Bavaskar, the owner of the premises namely Bhagwan Wankhede. From the same, it appears that, the applicant was practising as a doctor without holding any degree. From the statement of Dr. Bavaskar it appears that, the applicant was working with Dr. Bavaskar and was assisting him. Dr. Bavaskar left the premises and the present applicant continued to work as a doctor. The applicant had also taken

some xerox copies of the decree certificate of Dr. Bavaskar in order to create an impression that he is holding a degree in medical field.

4. It is the case of the prosecution that, due to the wrong treatment given by the present applicant, the husband of the informant is died. Without holding any degree, practising as a doctor is very dangerous to the society. Prim-facie, the deceased succumbed to the medical treatment given by the applicant. Therefore, the applicant is not entitled for anticipatory bail. Application is rejected.

(K. L. WADANE, J.)

mkd/-