

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1462 OF 2017

Baba Pandurang Waghmare

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Neesha Mailagir i/b. Mr. Anil Joshi for the applicant.

Mr. Deepak Thakare, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27 JULY, 2017

P.C. :

1. This is an application for bail in connection with CR NO.I-119 of 2017 registered with Chithalsar Police Station, Thane for the offences punishable under sections 143, 147, 149, 323, 332, 353, 504, 506 read with 34 of IPC and sections 4 & 7 Maharashtra Medical Service Act.

2. The applicant was arrested on 26th May, 2017 and since then he is in custody.

3. The prosecution case is that on 25th May, 2017, the applicant and other accused had admitted one Vasu Belgire in Taitan Hospital,

at Manpada, Thane. After examining the patient, doctor declared him dead. In pursuant to that the accused had broken the glasses of doors of the hospital and caused damage to the hospital. The accused also assaulted and abused the doctor from the said hospital. The applicant and other accused were arrested.

4. The applicant preferred an application for bail before the Court Sessions which has been rejected on 9th June, 2017.

5. Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. It is further submitted that the co-accused are granted bail. The applicant is in judicial custody and further detention of the applicant is not necessary.

6. Learned APP submitted that the accused had acted in high handed manner and assaulted doctor and also caused damage to the hospital. He fairly submitted that injury sustained by the injured was simple in nature.

7. Taking into consideration, the role attributed to the applicant and the fact that the others are granted bail and that the injured had sustained simple injuries. The applicant can be released on bail on

certain terms and conditions. Therefore, I pass following order;

:: ORDER ::

- (i) Bail Application No.1462 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail in connection with CR NO.I-119 of 2017 registered with Chithalsar Police Station, Thane on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one or more sureties in the like amount.
- (iii) The applicant is directed to report concerned Police Station once in a month on the first Saturday of the month between 11.00 am to 1.00 pm till further orders.
- (iv) The applicant shall not visit the hospital where the incident had occurred and shall not tamper with evidence.
- (v) Application stands disposed of.

[PRAKASH D. NAIK, J.]