

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1469 OF 2017**

Dr. Satish K. Puranik	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. N. S. Kasture I/b Mr. Vaibhav G. Bagade for the Applicant

Mr. V. V. Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 15th SEPTEMBER, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-206 of 2017 registered with the Shivaji Nagar Police Station, Ambernath, Thane, for the alleged offences punishable under Sections 376, 376(2)(n), 328 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant, a highly qualified doctor and an Orthopedic Surgeon, has been falsely implicated in the said case. He submits that since December, 2015, the

applicant is suffering from erectile dysfunction, infection and was incapable of performing sexual activities and is suffering from penile cancer. He relied on the report dated 22nd June, 2017. He submits that the applicant, because of his condition, is incapable of performing any sexual activities. He further submitted that the complainant was working with the applicant in his clinic. He submitted that the applicant took charge of the virtual patient monitoring card of the patient and started interfering in the applicant's professional life, at the clinic as well in the hospital. He submitted that as the complainant had started interfering with the medical history of several patients, which was against medical ethics, the applicant started receiving several complaints from patients. He submitted that the applicant had hence asked the complainant to stop attending the clinic and asked her to return the virtual patient monitoring card. He has stated that pursuant thereto, the complainant started calling up the applicant and threatening the applicant to circulate defamatory material to all his patients. He, however, submitted that the complainant and her brother started demanding money and a flat at Badlapur, failing which, threatened to lodge a complaint for sexual offence against the applicant, to ruin the reputation and life of the applicant. The complainant is also alleged to have threatened

to commit suicide. He submitted that pursuant to the threats of the complainant, the applicant lodged a written complaint to the Deputy Commissioner Police, Ulhasnagar on 7th July, 2017 for initiating appropriate action against the complainant. He relied on the representation made to the Deputy Commissioner of Police dated 7th July, 2017, which is at page 20 of the application. He submitted that pursuant to the aforesaid complaint lodged to the Deputy Commissioner of Police, the complainant has lodged the aforesaid FIR, as against the applicant. He further submits that the applicant is ready to subject himself to any medical test.

4. Learned A.P.P states that the applicant has attended the concerned Police Station and has also subjected himself to medical tests. Learned A.P.P has tendered a copy of the medical examination of the applicant done at the St. George's Hospital on 9th September, 2017. The diagnosis is, "Perianal Squamous Cell Carcinoma, Erectile Dysfunction."

5. Perused the papers. The applicant is an Orthopedic Surgeon. It is alleged by the complainant/prosecutrix, aged 30 years, that she was working with the applicant in his clinic as well as in his Hospital. She has

alleged that the applicant sexually assaulted her in September, 2016 and on 21st October, 2016. According to the applicant, since December, 2015, the applicant was suffering from erectile dysfunction, infection and was incapable of performing sexual activities and is suffering from penile cancer. The report of the St. George Hospital also has given his opinion as under :

“Perianal Squamous Cell Carcinoma, Erectile Dysfunction.”

6. Be that as it may, in the facts, custodial interrogation of the applicant is not necessary. Hence, the application is allowed and 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 executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called, 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.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.