

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

ANTICIPATORY BAIL APPLICATION NO.47 OF 2018

Sandip Tulshiram Patil & Anr. Applicants
Vs.
The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.48 OF 2018**

Deepak Suresh Bhand Applicant
Vs.
The State of Maharashtra Respondent

Mr. Aniket U. Nikam i/by Mr. Aashish Satpute for the Applicants.
Mr. S.H. Yadav, APP for the State in ABA No. 47 of 2018.
Mr. N.B. Patil, APP for the State in ABA No. 48 of 2018.

Mr. V.V. Giri API Bhadrakali Police Station, Nashik.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 11th January 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 The above applications are under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.788 of 2017, registered at Bhadrakali Police

Station, Nashik, for the offence punishable under Section 306 read with 34 Indian Penal Code.

3 It is the case of the prosecution that one Mangal Janardan Pawar, who was working with Siddhivinayak Hospital lodged a report at the police station alleging therein that her son was in need of a job and therefore she had recommended him to Dr. Pravin Sawant and his associates. Her son-Ganesh was working as X-ray Technician with Siddhivinayak Hospital. Some of the friends of Dr. Pravin Sawant were running Manas Hospital. The son of the first informant was also working with Manas Hospital. She has further alleged that her son was being prosecuted for theft of motorcycle. He was charge-sheeted. That he was attending the court regularly. That on 15th November 2017, the son of the first informant had disclosed to his father that after he was removed from service from Siddhivinayak Hospital and Manas Hospital, he was being threatened by the Doctors and other staff members of the hospitals that they would spoil his career and he would not be able to work in any other establishment. In the intervening night of 15th November 2017 and 16th November 2017, Ganesh i.e. son of the first informant had committed suicide in his house by hanging. According to the informant, the doctors and the staff members of both the hospitals have responsible for the suicidal death of Ganesh. On the basis of the said report, Crime No.788 of 2017 was registered against the present applicants. The applicant in ABA No.47 of 2018 is X-ray

technician working with Siddhivinayak Hospital whereas the applicant in ABA No. 48 of 2018 is working as a driver of Dr. Sandesh Patil. Prima facie, it cannot be said that the applicants herein had abated, instigated or facilitated the commission of suicide of Ganesh. The co-accused Dr. Sachin Patil has been granted pre-arrest bail by this Court vide order dated 9th January 2018 and therefore by virtue of doctrine of parity, the applicants also deserve the same relief.

4 However it is made clear that the observations are prima facie in nature and are restricted to an application under Section 438 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

O R D E R

1 The applications are allowed.

2 In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds of Rs.25,000/- each with one or two solvent sureties in the like amount.

3 The applicants shall report to Bhadrakali police station, Nashik as and when called and co-operate the investigation to the best of their capacity.

(*Smt. Sadhana S. Jadhav, J*)