

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.694 OF 2018

(DR. SHYAM VALLABHDAS KELA....VS.. STATE OF MAH. THR. PSO PS AKOT (CITY),DIST. AKOLA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.M.Daga, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 03, 2018.

Apprehending arrest in connection with Crime No. 241 of 2018, registered by the Non-applicant against the applicant and co-accused Nikhil Gandhi and Dr. Dhanraj Rathi for the offences punishable under Sections 336, 406, 420, 468, 471 and 24 of the Indian Penal Code and Section 33 of the Maharashtra Medical Practitioners Act, 1961 and Sections 3 and 6 of the Bombay Nursing Home Registration Act, 1949, the applicant seeks pre-arrest bail.

According to the Investigating Agency, the applicant is running a hospital in which he had accommodated in a chamber co-accused Nikhil Gandhi who posed himself to be a doctor though he is not having requisite qualifications to practice as a Medical Practitioner.

The Investigating Agency opposes the application on the ground that the applicant applied for running a Critical Care Hospital showing co-accused Nikhil Gandhi as one of the medical practitioner who would be looking after it.

Though it has not been the case of the Investigating Agency before the Sessions Court, the learned A.P.P. submits that two patients, who have undertaken treatment in the hospital of the applicant, suffered serious problems.

Be that as it may, the applicant, aged about 65 years, is qualified medical practitioner and claims that any other crime/offence is not registered against him. The Investigating Agency has not controverted this submission. Further the Investigating Agency has not been able to show that custodial interrogation of the applicant is necessary for further investigation and/or there is a chance that the applicant would not be available for further investigation, if granted pre-arrest bail.

Considering the facts of the case, the following order is passed :

In the event of arrest in connection with Crime No.241 of 2018, registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.One Lakh and one solvent surety in the like amount.

The applicant shall furnish cash security within one week, failing which this order shall not become operative and the non-applicant would be at liberty to proceed further.

The application is **allowed** in the above terms.

JUDGE