

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

CRIMINAL APPLICATION (ABA) NO. 699/2018

Dr. Ganeshram S/o Ramkaranji Rathi Alias Dhanraj Harikisan Rathi
..VS..

The State of Maharashtra, Thru PSO, PS, Akot City, Tq. Akot, 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 Avinash Gupta, Senior Adv a/b Shri Aakash Gupta, Adv for applicant
Shri V.A. Thakre, APP for non-applicant/State

CORAM : Z.A.HAQ, J.
DATED : 04/10/2018

Apprehending arrest in connection with Crime No. 241/2018, registered by the non-applicant against the applicant and co-accused Nikhil Gandhi and Dr. Shamsundar Vallabhdas Kela for the offences punishable under Sections 336, 406, 420, 468, 471 r/w Section 34 of the Indian Penal Code and Section 33 of the Maharashtra Medical Practitioners Act, 1961 and Section 3 and Section 6 of the Bombay Nursing Homes Registration Act 1949, the applicant seeks pre-arrest bail.

According to the Investigating Agency, the applicant is occupying a chamber in the hospital run by Dr. Shamsundar Vallabhdas Kela (co-accused).

The Investigating Agency opposes the application on the ground that the applicant, alongwith co-accused had applied for running a Critical Care Hospital showing co-accused Nikhil Gandhi (who is not a qualified medical practitioner) 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 APP submits that two patients, who have undertaken treatment in the hospital of the co-accused Dr. Shyamsundar Vallabhdas Kela suffered serious problems.

Be that as it may, the applicant, aged about 65 years, is qualified medical practitioner (having MBBS degree) 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. 241/2018, registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs. Fifty Thousand 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