

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1646 OF 2019

Shraddha Bajrang Ghatge .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. S. S. Redekar, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. Amit Babar, PSI, Agripada Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2019

P.C.

. Heard learned counsel for the Applicant.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 214 of 2019 registered with the Agripada Police Station, Mumbai, for the alleged offences punishable under Sections 353, 332, 504 r/w 34 of the Indian Penal Code.

3. Perused the papers. The Applicant is the sister of the deceased – Rajkishor Dixit. The deceased – Rajkishor Dixit was admitted in Nair Hospital for medical treatment and was on ventilator at

the relevant time. According to the relatives of Rajkishor Dixit, he expired on 14.07.2019 at 6.30 p. m. due to the negligence of the Doctors. It appears that pursuant to the said incident, the deceased – Rajkishor Dixit's relatives including the Applicant got angry and abused the Doctors on duty and that there was an altercation between them, pursuant to which the aforesaid C. R. was registered. In the said incident, it is alleged that the Applicant alongwith other relatives assaulted the Doctors. The Applicant is the sister of the deceased – Rajkishor Dixit. Learned counsel for the Applicant submits that as the oxygen supply was removed, when Rajkishor Dixit was on ventilator, the aforesaid incident took place.

4. Having regard to the peculiar facts, custodial interrogation of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 10,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the

concerned police station on **1st & 2nd August, 2019** between **10.00 a. m. and 12.00 noon** and thereafter, **as & when called for** by the investigating officer;

(iii) The Applicant shall co-operate with the investigation;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

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

(REVATI MOHITE DERE, J.)