

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.963 OF 2021
IN
BAIL APPLICATION NO.1030 OF 2020**

Shankarprasad Digambar Gandhe ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.Joydeep Chatterji, Advocate for applicant
Mr.D.R.Kale, P.P. for respondent

**CORAM : R.G. AVACHAT, J.
DATE : MAY 27, 2021
(Vacation Court)**

ORDER :-

This is an application for relaxation of the condition imposed vide order dated 30.09.2020 in Bail Application No.1030 of 2020.

2. Heard.

3. The applicant is an accused in Crime No.305 of 2020 registered with Ahmednagar Taluka Police Station, Dist. Ahmednagar. He is alleged to have committed the

offence punishable under Sections 312, 313 and 315 of Indian Penal Code and under Sections 3, 4 and 5 of Medical Termination of Pregnancy Act, 1971. While granting bail to the applicant, a condition restraining him to continue with his private practice in his clinic/nursing home or at any other hospital, till conclusion of the trial, has been imposed. By this application, said condition is sought to be relaxed.

4. Learned counsel for the applicant would submit that the applicant is 52 years of age. His children are taking education in medicine. The applicant is the sole bread-winner in the family. In view of the aforesaid condition, the applicant has become unable to earn for his livelihood. Learned counsel, therefore, urged for relaxation of the condition.

5. Learned Public Prosecutor would, on the other hand, opposed the application. He, however,

came around to relax the condition, if the applicant is directed to give his services at any of the COVID centres, which is convenient for the applicant.

6. The applicant is M.D. (Ayurvedic Medicine) – Kayachikitsa with 31 years of experience. He is a trained “AYUSH Doctor for COVID-19 preparedness”. For little about eight months, the applicant could not practice medicine. He is said to be the only earning member in his family. It appears that the trial has not yet commenced. It would take time for conclusion of the trial. The applicant, being Ayurvedic Medical Practitioner and having been imposed with aforesaid condition, may necessarily, not be able to do work to earn for his livelihood. In the aforesaid factual backdrop, I am inclined to relax the condition.

7. The application is allowed in terms of prayer clause (B). The applicant is directed to render his services as a Medical Practitioner at a

COVID centre convenient to him, on every alternate day from 10:00 a.m. to 06.00 p.m. for next six months commencing from 07.06.2021.

8. Mr.Chatterji, learned counsel for the applicant, on instructions from the applicant, makes a statement that the applicant would render his services as Doctor, as directed herein above, at "Sharadchandraji Pawar Saheb Arogya Mandir COVID Centre, At Post Bhalvani, Tq. Parner, Dist.Ahmednagar".

9. The applicant shall be entitled for remuneration, if any, for the services to be rendered at COVID centre.

[R.G. AVACHAT, J.]