

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

ANTICIPATORY BAIL APPLICATION NO.1450 OF 2021

Rajendra @ Kannu Kashinath Tajane Applicant

versus

State of Maharashtra Respondent

.....

- Mr.A.P. Mundargi, Senior Counsel, i/b. Mr.Tushar N. Sonawane, Advocate for Applicant.
- Smt.Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.134/2021 registered with Nashikroad Police Station, under sections 353, 336, 323, 504, 506, 427, 188 of the Indian Penal Code, under section 4 of Maharashtra Medical Services Persons & Institution Protection from violent Activity Rule 2010, under section 3 of Protection of Property Rules 1984 and under section 3 and 6 of Epidemic Diseases (Amendment) Act, 2020.

2. The FIR is lodged by Dr.Atul Vijay Sonwane, attached to Municipal Corporation for Nashik Road, as Medical Officer. On 15/05/2021, he was on duty at Bitco Hospital. Between 07.30 p.m. to 07.45 p.m. he suddenly heard a big sound. He saw that a Innova car had entered the hospital by breaking the main glass in the porch. The persons present there, the hospital staff and patients started running helter-skelter. A person got down from the car. According to the prosecution case, it was the Applicant. He took out a paver block, which he had brought with himself and he threw it at a nurse Sheetal Suryavanshi, who was standing outside the emergency ward. She ran away from there and took shelter in the emergency treatment room. One relative of a patient was present there. His name was Deva Bodke. The Applicant slapped him and abused him. He damaged a stretcher and Oxygen cylinder trolley. He gave shouts. He was saying that he wanted to break the entire hospital. The FIR mentions number of vehicle as MH-15-EE-7799. The Police were informed. The security guards of the hospital were knowing the

Applicant. His name was mentioned in the FIR. The Applicant's wife was a Corporator with the Municipal Corporation, Nashik. On this basis FIR is lodged.

3. Heard Mr.A.P. Mundargi, learned Senior Counsel, for the Applicant and Smt.Veera Shinde, learned APP for the State.
4. Learned senior counsel submitted that the Applicant had lost his father on 23/04/2021 due to Covid in the same hospital. On the day of incident, one relative of the Applicant was turned back without being treated and that triggered the act committed by the Applicant. He submitted that considering his mental state, his act can be overlooked. The Applicant regrets his acts and is willing to compensate the hospital. There was no particular motive. The offence was committed out of anger. The Applicant has not a hardened criminal. Mr.Mundargi submitted that the offence under the Epidemic Diseases Act is compoundable and therefore custodial interrogation of the Applicant in this circumstance is not really necessary.

5. Learned APP opposed this application and she produced the investigation papers regarding the investigation carried out so far. A report opposing this application is also produced before me. The said report is taken on record and marked 'X' for identification. She submitted that the offence was not committed on the spur of moment, because of anger. His father had passed away on 23/04/2021 and sufficient time had passed in between. She submitted that such instances should not be tolerated as it would cause apprehension in the mind of doctors treating the patients. She submitted that the act was highly dangerous to the patients, medical staff and the persons present there.

6. I have considered these submissions and I have perused the investigation papers. The allegations in the FIR are supported by the hospital staff including the Nurse in question i.e. Sheetal Suryavanshi, towards whom the Applicant had thrown a paver block. There are other staff members of the

hospital who have supported the allegations in the FIR. Apart from that, the CCTV footage of the incident is also seized. The CCTV footage shows that, at about 07.43 p.m., the vehicle had entered the porch by breaking the glass in that porch. The glass pieces were scattered all over the place. The Applicant had taken out a paver block from his vehicle and he was proceeding towards reception. The footage has also covered the other allegations in the FIR. He had left the place at around 07.47 p.m. The panchanama of the hospital shows that there was a ramp, using which, the Applicant had driven his vehicle inside the hospital by breaking the glass. The glass pieces were scattered all over the place. The paver block in question was found near the reception counter. The stretcher having facility to carry oxygen cylinder was damaged. Because of the Applicant's vehicle, the trolley was broken. Thus, there is more than sufficient evidence against the present Applicant.

7. In any case, the investigation shows there is sufficient material against the Applicant. Mr.Mundargi has referred to the

Applicant's agitated mental state. But as rightly pointed out by learned APP, the Applicant's father had passed away on 23/04/2021. This incident had occurred on 15/05/2021. The Applicant had sufficient time to get over his anger. The act committed by the Applicant was deliberate and preplanned. He had carried paver block with himself. He had broken the glass and had driven inside the hospital. It is beyond doubt that the hospital had housed many patients at that time. There were many relatives of patients, medical staff etc. All of them were put under extreme danger by the present Applicant's act. As rightly submitted by learned APP, such incidents should not be tolerated, otherwise wrong message would go in the society. Medical staff would be extremely apprehensive about carrying on their job with concentration. In these difficult times, the medical staff has worked as Covid Warriors and everyone should respect them. If there were some shortcomings in the services or shortage of necessary medicines, the Applicant should have taken recourse to lawful means to help people. But the manner in which the offence was committed, was definitely not acceptable.

8. The investigation also shows that the Applicant had recorded a video of himself explaining why he had done it and that video was uploaded on the internet. This also shows that he had done this with prior planning and he wanted to publicize what he had done. This, definitely does not show his regret, if he is harboring any. In this view of the matter, no case of anticipatory bail is made out. The application is rejected. It is made clear that observations made in this order are restricted to passing this order only.

(SARANG V. KOTWAL, J.)