

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

CRIMINAL APPLICATION (ABA) NO.798 OF 2021

Dr Vinod s/o Laxman Nirgude ..vs.. State of Maharashtra, thr. P.S.O. P.S. Washim (City) Washim Tq.
and Distt. Washim.

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

Court's or Judge's orders

Shri Anil Mardikar, Senior Advocate, with Shri V.R. Deshpande,
Advocate for applicant.
Shri V.A. Thakre, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 17/12/2021

Heard.

2. Crime No.1228 of 2021 was registered with Police Station Washim, District Washim for the offence punishable under Sections 315, 511 read with Section 34 of the Indian Penal Code, Sections 3, 4 of the Maharashtra Medical Practitioners Act. The applicant is apprehending his arrested in said crime hence seeking for grant of pre-arrest protection.

3. It is the prosecution case that in pursuance of secret information, a Civil Surgeon has raided in the hospital of Dr. Saraskar and came across illegal termination of pregnancy. The matter was investigated and charge-sheet has been filed against Dr. Saraskar and one Vilas Thakare whilst the applicant was shown as absconding. The role ascribed to the applicant is of transferring some sonographical images to co-accused

Vilas Thakare. Admittedly, applicant had not participated in illegal termination of pregnancy. Two statements of victim were brought to the notice which do not specify the role of applicant. The applicant's mobile handset has already been seized.

4. Reply-affidavit is also silent about the applicant's role. The State is unable to point out any substantial material against applicant to have custodial interrogation. The applicant's learned Counsel submitted that both co-accused Dr. Saraskar and Vilas Thakare were released on regular bail of which the orders are tendered on record. Having regard to this fact, applicant has made out a case for grant of pre-arrest protection, hence following order:

(a) Application stands allowed. At-interim order dated 25/11/2021 is hereby made absolute.

(b) Henceforth, applicant shall attend concerned Police Station as and when called.

JUDGE

R.S. Sahare