

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

926 BAIL APPLICATION NO.57 OF 2022

SACHIN SHIVDAS RAJMANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. More P. P.
APP for Respondents/State : Mr. A.V. Deshmukh
...

CORAM : M.G. SEWLIKAR, J.
DATE : 2nd February, 2022

PC.:-

This is an application under Section 439 of the Cr.P.C. for releasing the applicant on bail in connection with Crime No.338/2021 registered with Udgir City Police Station, District Latur under Section 354, 506 of the I.P.C.

2. Applicant is working as a Brother in Civil Hospital, Udgir. The informant was admitted in the hospital for delivery. On 10th December, 2021 at 5.30 pm Caesarean was done. On 12th December, 2021 at 12.30 pm the applicant asked informant to lie down on the bed. He lifted the gown of the informant up to her chest and pressed the portion of the abdomen which was sutured. He lied on the body of the informant and said that her breast had become tight and milk would be required to be extracted and started sucking

her breast. He threatened her that he would kill her if she shared this incident with anyone. At 8.30 pm on the same day she informed this incident to her sister in law. Thereafter, on arrival of her husband she narrated the incident to him. The patient on the other bed also said that applicant had done the same thing with the said patient 'X' (for concealing identity her name is mentioned as 'X'). He lifted her gown also up to her chest and said that milk is not coming out and she should ask her husband or mother to extract the milk. On these allegations, FIR came to be registered against the applicant.

3. I have heard learned counsel Shri More for the applicant and Shri Deshmukh learned APP for the State.

4. Shri More submits that one Smt. Jayshri Dhole is working as Head Nurse. The applicant was on leave from 02.11.2021 to 14.11.2021 but the Head Nurse deliberately marked him absent in the muster roll. When the applicant confronted the Head Nurse she threatened him of dire consequences. He submits that applicant, therefore, had complained against the Head Nurse on 1st December, 2021. He has produced copy of the said application. He submits that to wreck vengeance this false complaint has been filed against the applicant. He submits that applicant does not have criminal antecedents. He further submits that applicant is placed under suspension. Therefore, there is no chance of applicant visiting the hospital.

5. Learned APP Shri Deshmukh submits that charge-sheet is yet to be filed. On the same day applicant had conducted himself in the same manner with two more ladies. He submits that statement of the informant under Section 164 of the Cr.P.C. has been recorded and she has maintained the same allegations against the applicant. He submits that at least till the filing of the charge-sheet applicant may not be released on bail.

6. Applicant had complained to Civil Surgeon, District Latur about the threats given by the Head Nurse. This complaint is dated 1st December, 2021 and the present complaint came to be lodged on 12th December, 2021. Applicant does not have criminal antecedents. This appears to be his first offence. Offence is not punishable with death or imprisonment for life. The minimum prescribed punishment under Section 354 of the I.P.C. is one year and maximum punishment is five years. Considering the quantum of sentence and the fact that he is under suspension and is not likely to visit the hospital, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.338/2021 under Section 354, 506 of the I.P.C. with Udgir City Police Station,

District Latur on condition that he shall not interfere in the investigation and shall not presurise the witnesses and shall remain present in the police station on every Saturday between 12 noon and 4.00 pm till the filing of the charge-sheet.

[M.G. SEWLIKAR, J.]