

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.314 OF 2022

SHAIKH MUNSHI BANEMIYA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sachin S. Deshmukh
APP for Respondent : Mr. V. M. Kagne

CORAM : S. G. MEHARE, J.

DATE : 05-07-2022

PER COURT :-

Heard learned Counsel for the applicant and learned A.P.P.
for the State.

2. Learned Counsel Mr. Deshmukh for the applicant has vehemently argued that the case of death as has been informed that the deceased has no connection with the allegations of administering the medicine to the deceased. The Investigating Officer has investigated the place i.e. Dargah and found nothing was there. He further added that the FIR is delayed by two days. The deceased was habitual drinker. His death was having no connection with administering medicine by the applicant. Nothing is to be recovered from the applicant. The applicant had no intention to cause death of the deceased. Hence, he may be protected.

3. Learned APP has fairly argued that the allegation was specific that the applicant treated the deceased with untested medicine and one another person was assisting him. Referring to the FIR, he would point out that the said person has brought some medicines, given it to the applicant and then applicant administered the said medicine to the deceased and inserted the medicine in his ear with injection. The applicant has no registration of de-addiction center nor he is qualified or educated to provide the medicines. The custodial interrogation of the applicant is required for discovering the fact, how many persons were treated by the applicant and where the stock of the so-called medicines is concealed.

4. After having gone through the FIR and arguments advanced by learned A.P.P., there appears a substance that the applicant was treating the person unauthorizedly and without any scientific medicine. One another person was also involved, who was assisting the applicant in the crime. Therefore, the Court is not satisfied that the applicant is entitled to anticipatory bail. Hence, the application stands dismissed.

5. The learned Counsel for the applicant requests to continue the interim protection for four weeks. His prayer is accepted.

(S. G. MEHARE)
JUDGE