

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

BAIL APPLICATION NO. 860 OF 2022

Dr. Satish Raghunath Mohite	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Hrishikesh Mundargi a/w Jayant Bardeskar for applicant.

Ms. P.N. Dabholkar, APP for State

CORAM: M. S. KARNIK, J

DATED: DECEMBER 21, 2022

PC:-

- 1.** Heard learned counsel for the applicant and Learned APP for State.
- 2.** Learned counsel for the applicant seeks leave to amend prayer clause (a). Leave granted.
- 3.** This is an application for bail filed by the applicant - Satish Raghunath Mohite, in connection with C.R. No. 90 of 2019 registered with Crime Detection Unit, Crime Branch, Unit-I, Mumbai, for the offence punishable under sections 420, 465, 467, 468, 471, 201, 120(b) of the Indian Penal Code, 1860.
- 4.** The applicant is a Doctor. He was running 2 hospitals, namely Arogyadhan Hospital and Ashtvinayak Hospital, which

are situated in Vagale Estate area, District Thane. The First Information Report (FIR) was registered on 16/08/2019. During the course of investigation it was revealed that the applicant is alleged to have committed the offence. The applicant came to arrested on 17/09/2021 and is in custody for more than 1 year and 3 months. It is alleged by the prosecution that in respect of some schemes meant for the needy patients, the State Government had sanctioned and distributed aid to the various hospitals. The applicant's hospital claimed the money from the scheme though the benefits were not actually passed on to the needy patients. It is alleged that the applicant was paid a sum of Rs.1,90,80,000/- towards which the patients were not passed on the benefits. The wife of the applicant, who is personally present in the Court, filed an undertaking dated 20/12/2022. Even in the application it is stated that the amount which has been claimed would be paid back to the Government. The account of the applicant has been freezed and balance in this account is Rs.38,00,606/-. It is further submitted by the learned counsel for the applicant on instructions of the applicant's wife – Sarita Satish Mohite that the amount of Rs.10,00,000/- would be deposited with the trial Court within a

period of 2 weeks from today. Statement is accepted.

5. It is further pointed out that the applicant is the owner of the flat which is belonging to the applicant and which has been mentioned in paragraph no. 3 of the undertaking. It is stated that the fair valuation of the flat is Rs.1,21,68,000/-. The loan, procured is of Rs.81,30,613/- for the purchase of the flat. The outstanding loan amount is Rs.72,50,337/- (including interest). It is stated that the EMI was paid regularly and the statement is made on instructions of the wife of the applicant that the EMI will be paid regularly henceforth. Learned counsel for the applicant on instructions submits that in the undertaking it is stated that the applicant undertakes not to create any third party rights or encumbrances on the flat without permission of this Court or the trial Court. It is also undertaken that every effort will be made to deposit the balance amount. The statements are accepted as undertaking to this Court. The undertaking filed by the applicant's wife is taken on record and even the learned counsel for the applicant on instruction submits that an undertaking has been filed by his wife in this Court.

6. The applicant is in custody for more than 1 year 3 months

and there is no likelihood of trial commencing any time soon. The charge-sheet has been filed and investigation is complete. There are no criminal antecedents reported against the applicant. The applicant has roots in Thane and there is no likelihood of his absconding. Considering the undertaking filed and the fact that trial will take long time to conclude, the applicant can be released on bail. Hence, the following order.

ORDER

(a) The applicant - Dr. Satish Raghunath Mohite, in connection with C.R. No. 90 of 2019 registered with Crime Detection Unit, Crime Branch, Unit-I, Mumbai, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties of the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(c) The applicant shall report to the Crime Detection Unit, Crime Branch, Unit-I, Mumbai once in a month i.e. on first Monday of every month between 10.00 a.m. and 12 noon.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(f) The applicant, shall abide by the affidavit-cum-undertaking dated 20/12/2022 filed in this Court.

7. The application is disposed of.

(M. S. KARNIK, J.)