

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2520 OF 2021

Balappa @ Balasaheb Advayappa Nandure ..Applicant
V/s.
The State of Maharashtra ..Respondent

Mr. Ashok B. Tajane for the Applicant
Mr. R. M. Pethe, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 6 JANUARY 2022
(THROUGH VIDEO CONFERENCE)**

PC.

1. By this Application, the Applicant (Accused No.2) seeks Anticipatory Bail in connection with Investigation of Crime No.475 of 2021 registered with Jail Road Police Station, Solapur for the offences punishable under Sections 33, 33(A) and 36 of Maharashtra Medical Practitioners Act, and Section 420 r/w 34 of Indian Penal Code.
2. The aforesaid FIR has been lodged on 15th September, 2021 at the instance of Mr. Aatish Shrikant Borade who is a medical officer attached to Solapur Municipal Corporation who was at the relevant time looking after COVID-19 Centre room.
3. It appears that a complaint was received addressed to the Commissioner which was signed by a person professing to be Rupesh Kumar Bhosale of VJNT Cell, a political party, alleging certain irregularities in the management of hospital viz. Jai Hospital at Solapur. It may be mentioned that Jai hospital is registered as a

Nursing Home under the Maharashtra Nursing Homes Registration Act, 1949 in the name Krishnamurti Satyanarayan Pindipol (Accused No.1) who has a licence to run the said hospital/Nursing Home.

4. According to the FIR, the present Applicant though does not possess any medical qualification, was working with the said hospital professing to be a medical practitioner and was treating patients. It was also alleged that on account of the treatment given by the Applicant to a lady named Laxmi Prabhakar Boga resident of Solapur who was admitted in the said hospital the patient had expired.

5. It appears that the complainant on receipt of such a complaint, visited the hospital along with other members and met Manager Sou Burgul who stated that the present Applicant is treating the patients in the said hospital. The Applicant was accordingly called and asked about his medical qualification. The complaint also discloses that the informant recovered admission form / case papers of Laxmi Boga and found that the Applicant was shown to be the treating doctor in the said admission form. On the basis of such a complaint the offence came to be registered which is under investigation.

6. I have heard learned counsel for the Applicant and the learned APP for the respondent State. I have also gone through the record.

7. *Prima facie* it appears that Jai Hospital is duly registered as Nursing Home under the Maharashtra Nursing Home Registration Act, 1949 in the name of Accused No.1 Krishnamurti Satyanarayan Pindipol. According to the Applicant, he was not treating any patients nor professing to be a medical practitioner and

had not treated Laxmi Prabhakar Boga. It is pointed out that there was no complaint by any of the patients or their relatives not even the relatives of Laxmi Prabhakar Boga about the Applicant having treated Laxmi Prabhakar Boga resulting into her death.

8. It appears that Laxmi Prabhakar Boga died in the morning of 8 August, 2021 and the FIR came be registered on 15th September, 2021. As rightly submitted by the learned counsel for the Applicant, there is no complaint by any of the patients or their relatives. I have also perused admission form / case papers of Laxmi Boga and at least *prima facie* there is nothing to show that the Applicant is shown as treating Doctor of patient Laxmi Boga. The Applicant is said to be permanent resident of Solapur. The record discloses that this Court had granted interim protection to the Applicant on 25th October, 2021 *inter alia* on the condition of attendance. Learned counsel for the Applicant submitted that the Applicant has attended the Investigating Officer and has co-operated with the investigation.

9. Considering overall circumstances, the following order is passed ;

ORDER

- i) In the event of arrest in connection with investigation of Crime No.475 of 2021 registered with Jail Road Police Station, Solapur, the Applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- ii) The Applicant shall attend the Investigating Officer once in two weeks between 11.00

am to 1.00 pm and as & when required by the Investigating Officer.

- iii) The Applicant shall not leave the jurisdiction of Solapur Municipal Corporation without prior intimation / permission of the Investigating Officer.
- iv) The Applicant shall cooperate with the Investigating Agency and shall not make any attempt to tamper with the prosecution evidence / witnesses.
- v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

8. Criminal Anticipatory Bail Application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)