

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3343 OF 2022**

Dr.Sunil Sitaram Labhade

...Applicant

Versus

State of Maharashtra

...Respondent

...

Mr. Aniket Nikam a/w.Amit Icham a/w Ashish Satpute for applicant.
Mr. A.A.Palkar APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st December, 2022.

P. C. :-

This is an application under Section 438 of the Criminal Procedure Code filed by the applicant apprehending his arrest in C.R.No.152/2022 registered with Ozar Police Station, Dist.Nashik for offences punishable under Sections 406, 420, 463, 464, 467, 468, 471, 120B r/w.34 of the Indian Penal Code.

2. Heard Mr. Aniket Nikam learned counsel for applicant and Mr.A.A.Palkar learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for respective parties.

3. The aforesaid crime was registered pursuant to FIR lodged by

Manisha Hemant Bhadake. The complainant has alleged that her husband was admitted in the hospital from 23/11/2019 to 28/11/2019 at Samruddhi Hospital. He expired on 28/11/2019. She has stated that he was admitted in ICU and his condition was serious. He was unable to move or take any decision. She has complained that the family members of her deceased husband prepared false and fabricated Will on 27/11/2019 whereunder her husband has allegedly bequeathed the property to his mother and his minor son. She has stated that the applicant herein who was family doctor has issued false and fabricated medical certificate that the deceased was in mentally fit condition to execute the Will.

4. The only role attributed to the applicant is that he had issued medical certificate certifying that the deceased was in mentally fit condition. The question whether the certificate was genuine or not is a matter of trial. The applicant is not otherwise beneficiary of the said Will. The co-accused i.e. mother in law of the complainant, who is one of the beneficiaries of the Will has been granted bail. Considering the nature of the accusations against the applicant, in my considered view this is not a case which would justify custodial interrogation. Hence, the application is allowed and following order is passed:

1. In the event of arrest of the applicant in Crime No. C.R.No.152/2022 registered with Ozar Police Station, Nashik, he shall be released on bail on execution of PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
2. The applicant shall report to the investigating officer, for two days from 5/12/2022 in between 11.00a.m. to 2.00p.m. and as and when required by the investigating officer.
3. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
4. The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

(SMT. ANUJA PRABHUDESSAI, J.)