

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2245 OF 2022

Vidya Radhakrishna Labade ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Ms. Pushpa Ganediwala alongwith Mr. Yashwardhan Tiwari and Mr. Ashu Agarwal for the Applicant.

Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 16 MARCH 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. On 22 August 2022, this Court passed the following order :

“1. The Applicant herein has filed this application for pre-arrest bail in Crime No.187 of 2022 registered with Vishrantwadi Police Station, District-Pune City, for offences punishable under Section 33 of the Maharashtra Medical Practitioners Act, 1961.

2. The allegation against the Applicant, who is a qualified nurse, is that she has been prescribing allopathic medicines to the patients. Learned counsel for the Applicant states that the Applicant is ready to co-operate with the investigation.

3. *Considering the fact that the maximum punishment is of five years, the Applicant is ordered to be released on interim bail. Hence, the following order :-*

(i) *In the event of arrest of the Applicant in Crime No.187 of 2022 registered with Vishrantwadi Police Station, District-Pune City, the Applicant is ordered to be released on interim bail on furnishing bail bonds in the sum of Rs.15,000/- with one or two sureties to the like amount;*

(ii) *The Applicant shall report to the concerned Investigating Officer for three days with effect from 24/08/2022 from 10.00 a.m. to 1.00 p.m.*

(iii) *The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.*

(iv) *The Applicant shall not tamper with the evidence and/or interfere with the witnesses in any manner.*

7. *Stand over to 05/09/2022.”*

3. The applicant has filed an undertaking dated 10 February 2023. For ease of reference the said undertaking is scanned and reproduced hereunder :

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ST) No. 14004 OF 2022
(Anticipatory Bail Application)

DIST : PUNE

Vidya Radhakrishna Labade

... Applicant

Verpus

State of Maharashtra

... Respondent

AFFIDAVIT CUM UNDERTAKING

I, Mrs. Vidya Radhakrishna Labade, Age: 46 years,
Occupation: Nursing Aid, R/o: Valchur Nursing Home, Survey No.
51/1, Bhairav nagar, Dhanori, Pune- 411 015, most respectfully state
as under:

- a) I have been made accused in Crime No. 187/2022, Vishrantwadi,
Police Station, Pune for the offence punishable under Section 23 of
the Maharashtra Medical Practitioner's Act, 1961, for which




maximum punishment is five years imprisonment.

b) I state that I am a qualified Nurse and practising nursing since last 24 years under the supervision of registered medical practitioners.

c) I have also done one year training course and has passed the written and practical examination held by Ashok Kala Niketan, Government Registered Trust in Pune from 02/06/92 to 02/06/93.

d) I have also done Diploma in Acupuncture Theory & Practice from Maharashtra Academy of Acupuncture, Acupressure Science, Pune in 1997.

e) I have also done my Diploma in Alternative Medicine and Surgery (Three and half year course) in 1998.

f) I say that on 13th July, 2022, as it was raining very heavily and we were facing severe power cuts in the area, a patient named Nilesh Adhav who was drenched came to us and complained of severe abdominal pain and loose motions. He begged us to provide some medicine so he could get some relief. Hence, under the supervision of Dr. Rupali Waidande and on her instructions and guidance, I gave a prescription to him which was signed by Dr. Rupali Waidande.

g) The prosecution apprehends that I may repeat the similar act and in order to assure to this Hon'ble Court, I undertake that, hence further I will not do any act which is not permissible under Maharashtra Medical Practitioners Act or any other law. I will fully abide by the nursing ethics and etiquettes.





Hence this affidavit/undertaking.

Signature
Signature of deponent
(Vidya Radhakrishna Labade)

Date: 10-2-2023

Place: MUMBAI.

VERIFICATION

I, Vidya Radhakrishna Labade, Aged 45 years, an adult Indian inhabitant; Occupation: Nursing Aid, the Applicant above named R/o Vinbhav Nursing Home, Survey No. 52/1, Ishaninagar, Dhanori, Dist. Pune-411 015, do hereby state on solemn affirmation that whatever is stated is true and correct to my personal knowledge and belief.

Solemnly affirmed at Mumbai)

On this 10th day of February, 2023)

Signature

Deponent

Identified & Explained by me:

Advocate for the Applicant

764898617768
of the deponent.

Before me

SANDIP A. SHAH
ADVOCATE & NOTARY
G-4, 2nd Floor, Ground Floor,
Berkley Road, Near Wingo Cinema,
MUMBAI 400 021.
Cell: 98193 81271

10 FEB 2023

Serial/Regist. No.	324/2023
Date	10/2/2023



4. Considering the overall facts and circumstances of the case and in view of the undertaking filed by the applicant and as there are no other criminal antecedents of the similar nature, I am inclined to allow the present application. In the result, the following order is passed :

- (i) Interim order passed by this Court dated 22 August 2022 is hereby confirmed.
- (ii) Application is disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2023.05.08
17:19:31 +0530