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

ANTICIPATORY BAIL APPLICATION NO. 2244 OF 2023

1. Mr. Vrajesh C. Shah
2. Mrs. Sangeet Vrajesh Shah
3. Mr. Hardik Harish Thakkar
4. Mr. Vivek Suresh Singh

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Avinash Patil for the Applicant.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI , J.
DATED : 10th AUGUST, 2023.**

P.C.

1. The applicant apprehends arrest in MECR No.1 of 2022 registered pursuant to the order under Section 156(3) passed by the Metropolitan Magistrate, Mulund, Mumbai in Complaint No. 814 of 2021, for offences punishable under Section 304(2) r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The applicant nos.1 and 2 are the Directors of Apex Hospital, a

multi speciality hospital at Mulund. The applicant No.4 is the General Administrator of the Hospital, whereas the applicant No.3 is the visiting consultant of the said hospital. The allegations against the applicants are that one Virendra D. Singh, who had tested positive for COVID 19 virus, on 5.10.2020 was shifted from Sai Siddhi Hospital, Mulund to the Apex Hospital. It is stated that the deceased was badly in need of oxygen and on 12.10.2020 there was power cut in Maharashtra, including Mumbai, due to grid failure and the entire hospital was using generator and UPS. About 8 to 10 hours later, some staff observed smoke from the generator, which later converted into fire. It is stated that about an hour later, the patient Virendra Singh expired. The death summary prima facie indicates that the death of the patient was due to COVID 19 pneumonia and he died due to septic shock due to multi organ dysfunction syndrome with Covid-19 Bronchopneumonia which is case of Diabetes Mellitus.

4. Considering the above facts and circumstances, in my considered view this is a fit case to exercise discretion under Section 438 of Cr.P.C. Hence the application is allowed on the following amongst other grounds, which are in the alternative, without prejudice to each other:-

(i) In the event of arrest of the Applicants in MECR No.1 of 2022 registered with Mulund Police Station, the Applicants be released on bail

on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to the Investigating Officer as and when required by the Investigating Officer.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)