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

BAIL APPLICATION NO.2750 OF 2023

ALTAF ZAKIR ALI KHAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sana Raees Khan a/w Adv. Aditya Parmar for the
Applicant.

Ms. Veera Shinde, APP for the State.

Adv. Taraq Sayed a/w Adv. Ashwini Achari for complainant.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 2023

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for complainant.
- 2.** This is an application for bail in respect of the offence punishable under Sections 304(2), 465, 467, 468, 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 33, 36 of Maharashtra Medical Practitioners Act and under Section 5 of the Bombay Nursing Home Registration Act registered on 18.12.2022 vide C.R. No.1271 of 2022 with Shivaji Nagar Police Station.

3. The applicant is the accused no.1. The applicant was arrested on 18.12.2022. It is the prosecution case that in the nursing home the complainant's daughter was admitted as she was having labour pain. The complainant's daughter was taken for child birth. It is alleged that the child died. It is alleged that accused have been negligent in treating the complainant's daughter. The main accusations are against the accused Nos.2 and 3. The applicant was working as a caretaker of the hospital. The applicant is a 22 years old medical student in the second year of BMS Ayurved in a College in Mathura.

4. Learned counsel for the complainant on instructions of the complainant who is personally present in the Court that he has no objection to the applicant's enlargement on bail.

5. Learned APP opposed the application for bail. Learned APP submitted that the offence is serious.

6. The applicant was arrested on 18.12.2022. The investigation is complete and the charge-sheet has been filed. The applicant is in custody almost for nine months. In the facts and circumstances of the present case,

the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Altaf Zakir Ali Khan in connection with C.R. No.1271 of 2022 registered with Shivaji Nagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly.

- 7.** The application is disposed of.
- 8.** It is made clear that in the facts and circumstances of the present case and having regard to the nature of accusations against the applicant that I am enlarging the applicant on bail.

(M. S. KARNIK, J.)