

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3852 OF 2022
IN
CRIMINAL APPEAL NO.911 OF 2019**

Dr. Bhakti Arvind Mehare .. Applicant
Versus
State of Maharashtra and anr .. Respondents
...

Mr. Sarthak P Shetty for the applicant.
Mr. Pradip D. Gharat, SPL. P.P.
Ms. Chandni Chawla i/b Ms. Archana R for respondent no.2
Mr. Y.M. Nakhawa, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 23rd AUGUST, 2023**

P.C:-

1 The present application is taken out by the applicant, who was directed to be released on bail on 9/08/2019, subject to certain conditions.

 The applicant/appellant, faced accusations in CR No.49 of 2019 under Sections 306, 201, r/w Section 34 of IPC as well as under Section 4 of Maharashtra Prohibition of Ragging Act, 1999, r/w Section 3(1)(r)(s)(u)(za-E), 3(2)(v)(vi)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with Section 67 of the Information and Technology Act, 2000.

At the relevant time when the offence was registered, the applicant was a student pursuing her medical education in the city of Mumbai.

2 On considering the merits of the appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, she was released on bail subject to the following stipulations amongst the others:-

“(ii) The appellants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.2,00,000/- (Rs. Two Lakhs only) each and one or more solvent local sureties.

(iii) The appellants shall not leave Mumbai without the permission of the Court. The appellants shall report to the Office of Crime Branch, Nagpada every alternative day till framing of charge.

(iv) The appellants shall not enter into the jurisdiction of Agripada Police Station and more particularly, Topiwala National Medical College (B.Y.L. Nair Ch. Hospital).

(v) The licences of the appellants issued by Medical Council of India as well as Maharashtra Medical Council shall be remained suspended till conclusion of the trial.

(vi) The appellants shall attend the trial Court on every date unless exempted by the trial Court.”

The counsel for the applicant, inform, that condition nos. (iii) to (v) were relaxed subsequently.

3 Today the prayer is made to relax condition no. 2 and the justification for the same is offered in the application, when

it is stated that in compliance, thereof Mrs. Sarla Anandrao Pothdukhe stood as a solvent surety, on behalf of the applicant but in wake of demise of her husband on 11/06/2020, due to Covid-19 infection, she is desirous of selling her house and shifting to her native place.

This has posed a difficulty for the applicant, since according to her she has now shifted to Amravati and is presently serving in Dafrin Government Hospital, on the post of Medical Officer and she has no acquaintances in Mumbai, who can stand as surety for her and therefore it is prayed that this condition to be relaxed.

4 The counsel for the applicant would submit that on completion of the investigation, the charge-sheet is filed, though the trial has not yet commenced. He would submit that the applicant's parents are resident of Warud, Dist- Amravati and she is born and brought up at the said place and had being to Mumbai only for pursuing education, in Nair Hospital and was residing in hostel. On completing her education she was initially employed at Government Medical College, Akola and now she is serving at Government Hospital, Amravati and therefore, the solvent surety, who seek withdrawal, in peculiar circumstances, may be permitted to do so.

5 I do not find the prayer to be unjustified, but in such a situation, though I am inclined to discharge the local surety, let the condition be complied by the applicant offering sureties as directed by the order dated 9/08/2019, and as her counsel, state that her father is ready to stand as one of the surety.

In my considered opinion this is a sufficient assurance on behalf of the applicant, who shall abide the terms and conditions, subject to which she is released on bail, as she is a responsible citizen of this country serving as a 'Medical Officer' in the Government Hospital and her bonafides in attending the trial on regular basis cannot be suspected.

6 In the wake of the above, I deem it appropriate to release Mrs. Sarla Potdukhe, as a surety for the applicant and instead, the fresh sureties are permitted to be furnished within a period of two weeks from today, as a compliance of the order dated 9/08/2019

Application is allowed in above terms.

(SMT. BHARATI DANGRE, J.)