



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2153 OF 2023

Dr. Pravin Ashok Tribhuwan

....Applicant

VERSUS

The State Of Maharashtra & Another

.....Respondents

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Mr. A.V. Lavte, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondents.

Mr. U.S. Patil, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 6th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 440 of 2023, registered with Bidkin Police Station, Aurangabad, for offence punishable under section 354, 354(A), 354(B) of Indian Penal Code.

2. FIR is lodged by informant alleging that she was having vomiting and cold, therefore, her husband took her to applicant's clinic. Three-four patients were already taking *saline*. When her turn came, applicant called her for checkup. Her husband was standing beside her. After her checkup, applicant gave her two injections and told her husband that *saline* would

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have to be administered to her. Informant then told that she would take *saline* later as her child is crying. Her husband told her that he will drop child at home till then she should take *saline*. Her husband therefore left with child for home. Thereafter, applicant called informant in a room at OPD and made her sleep on bed and administered *saline* on her left hand. Total three patients including informant were there. After the *saline* of two patients was over they left the clinic. After informant's saline was over she went to applicant to show him. At that time her husband had arrived. Applicant thereafter told them that her blood pressure will have to be checked, time was 9.15 pm then. Applicant made her sleep on bed and checked her blood pressure. Thereafter, he tried to take her temperature with thermometer, but since cell of thermometer was dead, applicant asked informant's husband to bring the cell and gave him Rs. 50/-. Thereafter, applicant outraged her modesty by pressing her breast and putting his hand inside her inner wear.

3. Heard learned advocate for applicant, learned APP for respondents and learned advocate for informant. Perused the investigation papers.

4. It is the contention of applicant that at the time of administering *saline* and checkup of informant, nurse Priti Mandle his wife Dr. Sonali were present, so also, other patients who were taking treatment were present there. Statements of witnesses present at the time of alleged incident confirm the fact that informant and her husband were quarreling with applicant about charges of treatment. On perusal of statements of persons who were present at the time of alleged incident, *prima facie*, there appears substance in the contention of applicant that false case is registered against him.

5. Learned advocate for informant vehemently opposed the application contending that serious allegations are levelled against applicant and since applicant is practicing in same village where informant is residing he may not be released on anticipatory bail.

6. Considering the investigation papers, false implication of applicant cannot be ruled out at this stage. Nothing is to be recovered from applicant, therefore, custodial detention of applicant is not warranted in the facts of the present case. Application is therefore allowed by confirming the interim protection granted on 27.12.2023.

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7. Applicant shall not influence prosecution witnesses.

[NITIN B. SURYAWANSHI, J.]