

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

ANTICIPATORY BAIL APPLICATION NO. 1801 OF 2023

Vikas Swaminath Yadav

..Applicant

Versus

State of Maharashtra

..Respondent

Mr. Ankit R. Upadhyay i/b. Manish Mazgaonkar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 9 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 352 of 2022 registered at Mira road Police Station, on 23.08.2022, under sections 417, 420, 465 and 468 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Ankit Upadhyay, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Sudhir Jadhav. He has stated that on 25.09.2020, he himself and his parents were diagnosed with Covid-19 and, therefore, they got admitted in

Kohar hospital, Ramdev park road, Mira road (E). They were treated there. After their treatment they were discharged. The bill of Rs.5,74,102/- was raised. The informant and his parents had Mediclaim insurance with the Oriental Insurance Company. They submitted the documents to that company, but the mediclaim was rejected on the ground that the laboratory reports submitted with the mediclaim in respect of S.J. Pathology Lab, Miraroad (E) were forged. The reports purportedly bear the signature of Dr. Nitin Valvi, however, the signature did not match. He had denied having made any signatures and, therefore, the mediclaim was not passed. The informant realized that he was deceived and, therefore, this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the allegations are not true. The investigation in this case is over and the charge-sheet is already filed. He invited my attention to an e-mail dated 28.01.2021 sent by Dr. Nitin Valvi. In that e-mail he had mentioned that his attachment with S. J. Pathology Laboratory as a Consulting Pathologist was on hold since the lockdown in March 2020 and, therefore, the reports from that laboratory in that

period would stand invalid. He had asked not to start the work under the Laboratory without his permission. Learned counsel submitted that, this e-mail shows that, in fact, the said Dr. Nitin Valvi was attached to the same pathology laboratory in the year 2020. Therefore, he submitted that, Dr. Nitin Valvi cannot disassociate himself from the said laboratory. The applicant had no role to play in the entire offence.

5. Learned APP produced the investigation papers before me and in particular, he relied on the statements of Dr. Nitin Valvi and Dr. Jagdish Bhavani. She also relied on the letter dated 27.01.2021 issued by Dr. Valvi. She submitted that the present applicant is brother of one Navin Yadav who was an Administrator of Kohar Hospital. Both the brothers in collusion with each other got a fake laboratory report and, therefore, the applicant's involvement is clear.

6. I have considered these submissions. Dr. Nitin Valvi's statement is clear enough. He has described as to how the present applicant contacted him. Dr. Valvi met the applicant in July 2019.

They discussed the possibility of starting a pathological laboratory at Mira road in partnership. Dr. Valvi sent his documents on mobile phone. After that, Dr. Valvi kept asking about the registration of the laboratory, but the applicant gave evasive answers. Dr. Valvi thereafter did not pursue the matter further. As he got suspicious, he did not take further steps in starting that laboratory. In January 2021, the insurance company asked him about the reports in question. Dr. Valvi denied having signed any such report.

7. The statement of Dr. Bhavani is also incriminating against the present applicant. He has described the role played by the applicant's brother Navin Yadav who was working as Administrator of Kohar Hospital. Dr. Bhavani was the Consultant in that hospital. He has described about the treatment given to the first informant's family. He has stated that, their blood samples were taken to S. J. Pathology Lab, but he was not aware about the exact location of that laboratory. Finally he came to know that the reports of such laboratory were forged. The said laboratory was in the name of the present applicant.

8. There is a letter dated 27.01.2021 issued by Dr. Valvi. He has denied that, he was attached to the said pathology laboratory. This indicates that the entire operations through that pathology laboratory were fraudulent and without expert's supervision and opinion. The concerned report was forged. Involvement of the applicant is quite obvious. The offence is serious. It involved health of the citizens in the locality.

9. Considering the seriousness and gravity of the offence and also taking into account the necessity for custodial interrogation, no case for grant of anticipatory bail is made out.

10. The application is rejected.

(SARANG V. KOTWAL, J.)