



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 192 OF 2024

Dr. Prashant Ramkrushna Bhagat V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, counsel for applicant.

Mrs. H.N. Prabhu, APP for non-applicant/State.

Ms. Aarti Singh, counsel (appointed) for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/06/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 57/2024 registered with Police Station, Shivaji Nagar Khamgaon, Taluka Khamgaon, District Buldhana for the offence punishable under Sections 376, 376-C(a) of the Indian Penal Code, 1860.

2. The accusation is made against the present applicant on the basis of report lodged by the victim, who is aged about 30 years alleging that on 28/02/2024 at about 12.00 noon, she along with her mother had been to the clinic of the present applicant, as she was having chronic headache. After examining her, the applicant administered her some medicine due to which, she felt drowsiness and when she regained consciousness, it reveals to her that she had been subjected for sexual assault. On the basis of said report, police have registered the crime.

3. Learned counsel for the applicant submitted that the informant is a notorious lady, and she is extorted by the

order of the Superintendent of Police. She has filed various FIR's against various persons, levelling the false allegations against them. He also placed on record some photographs to show that whatever story narrated by the victim is completely improbable and unacceptable. He submitted that the story itself is improbable and the custodial interrogation of the present applicant is not necessary. He also placed reliance on the order passed by the Division Bench of this Court in Criminal Application (APL) No. 710/2024 dated 26/04/2024, wherein the Division Bench has taken note of the fact that from the photographs it reveals that the chamber of the applicant was having glass panels and the inner view was easily visible from outside. Moreover, there was C.C.T.V. and other adjacent chambers. There are Attendants as well as patients sitting next out of the cabin, and accepted the submission of learned counsel for the applicant therein, and directed the investigating agency not to file charge-sheet against the present applicant.

4. He submitted that considering the entire facts and circumstances of the case, it reveals that the alleged incident itself is improbable and unacceptable, and therefore, the interim protection granted to the present applicant deserves to be confirmed.

5. Learned APP and learned appointed counsel for the non-applicant No.2/victim strongly opposed the said application on the ground that C.C.T.V. footage is showing that the victim was inside the chamber and her mother was

waiting outside. The statement of the victim and other relevant witnesses shows the involvement of the present applicant in the alleged offence. In view of that the prayer for grant of anticipatory bail deserves to be rejected.

6. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as various documents filed by learned counsel for the applicant. As far as the contention of learned counsel for the applicant regarding the various complaints lodged by the victim against various persons is concerned, is substantiated by the copies of the FIR. The order passed by the Akola District Police shows that the present informant is externed from that area. The photographs also shows the entrance of the cabin of the present applicant from which the inner view is visible.

7. Moreover, the victim was present along with her mother at the time of the incident. The C.C.T.V. Footage shows that the victim entered the hospital alongwith her mother and son. She alone went into the chamber of the present applicant. It further shows that within 5 to 10 minutes, the applicant came out from his chamber. The observation of the Division Bench also shows that from the photographs, it reveals that there are Attendants, as well as patients, was sitting next out of the cabin, and therefore, the contention of the applicant that the story narrated by the victim appears to be improbable. However, at this stage, it would not be proper to enter into the merits of the case.

However, considering the entire investigation papers, immediate custodial interrogation of the present applicant is not required. Moreover, there is no complaint that the applicant has not co-operated with the investigating agency when he was released on interim bail. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

ORDER

- a) In the event of his arrest, the applicant – Dr. Prashant Ramkrushna Bhagat, in connection with Crime No. 57/2024 registered with Police Station, Shivaji Nagar Khamgaon, Taluka Khamgaon, District Buldhana for the offence punishable under Sections 376, 376-C(a) of the Indian Penal Code, 1860, be released on anticipatory bail on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount on the similar conditions which are imposed by this Court by order dated 19/03/2024.
- b) The fees of the learned appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]