



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

CRIMINAL APPLICATION (ABA) NO. 263 OF 2024

Dr. Nitesh S/o Narendra Bajpai V/s State of Maharashtra

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

Court's or Judge's Order

Mr. R.S. Nayak, counsel for applicant.
Ms. T.H.Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 130/2024 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 33(2)(a) and 33(2)(b) of the Maharashtra Medical Practitioners Act, 1961; and under Sections 3 and 6 of the Bombay Nursing Homes Act, 1949; and Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971; and under Section 312 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of report lodged by Dr. Vijay Yograj Patle alleging that the applicant is having bogus degree and the action was taken on the instructions of Dr. Ambrish Mohabe, Civil Surgeon. It is further alleged that after receipt of the information, the raid was conducted with the help of two independent Government Panchas, and it revealed that one patient aged about 28 years was admitted. She informed that in the morning, the applicant treated her,

thereafter the registration number of the applicant was examined and it revealed, that it was not registered with the Civil Surgeon under the Bombay Nursing Homes Act. Similarly, he is not authorised under the Medical Termination of Pregnancy Act, 1971 to carry out any treatment under the provisions of the said Act. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the bogus documents are concerned, the allegation is false one. As far as the registration of the hospital is concerned, now it is registered. He further submitted that the applicant has cooperated with the investigating agency when he was released on ad-interim anticipatory bail. As far as the custodial interrogation is concerned, which is not required. In view of that, interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP though strongly opposed the said application but she admitted that the issue regarding registration is now resolved. He has registered, she has obtained the instruction from the investigation officer, and who has also admitted that the registration certificate is forwarded to the investigating officer.

5. Considering the fact and the statement made, that he has not conducted any activity to terminate the pregnancy, but the procedure is only to remove tissue in the uterus to stop the bleeding is conducted by him. Moreover,

now his clinic is registered under the Bombay Nursing Homes Act, 1949. As far as the impugned documents are concerned, which are already seized, the custodial interrogation of the present applicant is not required. In view of that interim protection granted to the present applicant deserves to be confirmed. Therefore, I proceed to pass the following order:

ORDER

- a) The criminal application is allowed.
- b) In the event of his arrest, in connection with Crime No. 130/2024 registered with Police Station, Goregaon, District Gondia for the offences punishable under Sections 33(2)(a) and 33(2)(b) of the Maharashtra Medical Practitioners Act, 1961; and under Sections 3 and 6 of the Bombay Nursing Homes Act, 1949; and Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971; and under Section 312 of the Indian Penal Code, 1860, the applicant- **Dr. Nitesh s/o Narendra Bajpai**, is released on anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]