



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 ANTICIPATORY BAIL APPLICATION NO. 458 OF 2024
WITH
CRIMINAL APPLICATION NO. 1782 OF 2024 IN ABA/458/2024

PRALHAD GAVAJINATH PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip

APP for Respondents 1 & 2 : Mr. A.A.A. Khan

Advocate for assisting APP : Mr. N.E. Deshmukh

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25/03/2025

PER COURT :

1. Criminal Application No. 1782/2024 filed for assisting APP is allowed.
Mr. N.E. Deshmukh, learned advocate is allowed to assist APP.
2. Heard the learned counsel for the applicant, the learned APP for the respondents-State and Mr. N.E. Deshmukh, learned advocate assisting APP.
3. The applicant is apprehending arrest in connection with Crime No. 109/2024 dated 10.2.2024 registered with Shevgaon Police Station, District Tal. Shevgaon, Dist. Ahmednagar for the offences punishable under sections 420, 467, 468, 471 of IPC.
4. This Court by order dated 1.4.2024 has granted interim protection to the applicant on certain conditions like attending the concerned police station. The learned counsel for the applicant submits that in pursuance of the interim order of this Court, the applicant has attended the concerned police station and has cooperated with the investigation. The learned counsel submits that thereafter chargesheet in the matter is filed and now charge is also framed against the applicant.

5. The case against the applicant is that the applicant himself is not the doctor, but he has used the documents, medical certificates of the informant and has registered a hospital with the concerned authorities to get the benefit of Mahatma Jyotiba Phule Jan Arogya Yojna and in pursuance of the registration of the hospital, the applicant is able to get amount of Rs.54,50,500/- from the State. As such, FIR is registered against the applicant for misuse of the documents of the informant.

6. The learned counsel for the applicant submits that the applicant had an agreement with the informant and the present FIR is outcome of the dispute that has arisen between the parties. The learned counsel submits that there are various doctors working in the hospital and the applicant has giving the services to the needy patients and reimbursement of the amount is sanction by the State.

7. Per contra, the learned counsel assisting APP submits that the I.O. has not clearly investigated the matter from the point that the applicant is not qualified doctor and that the applicant has misused the documents of the informant. The learned counsel submits that informant has no concern with the applicant and the informant has supplied all the necessary documents to the I.O. pointing out that the applicant has no medical degree. It is also submitted that the hospital is now also closed.

8. From the submissions above, it appears that the investigation in the matter is concluded, chargesheet is filed and charge is also framed against the applicant. In view of the above, I deem it appropriate that if the informant has any grievance as regards investigation, he may raise the same before the appropriate Court. Considering the above and considering that the interim protection is granted by this Court on 1.4.2024, the same

can be confirmed.

9. In view of the above, the application is allowed and the interim protection granted on 1.4.2024 is confirmed on the following terms :

i] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

ii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited for the disposal of the present anticipatory bail application and the trial Court shall not be influenced by the observations made hereinabove.

12. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/