



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 BAIL APPLICATION NO. 1187 OF 2025

AKHILESH YADGIRI MUDIRAJ

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mrs. P.V. Diggikar

Advocate for assisting APP : Mr. Shaikh Altamash Abdul Latif

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CORAM : ARUN R. PEDNEKER, J.

DATE : 02/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State and Mr. Shaikh Altamash Abdul Latif, learned APP assisting for APP.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 321/2025 dated 9.6.2025 registered with CIDCO Police Station, Ch. Sambhajinagar for the offence punishable under section 105 of B.N.S., 2023.
3. The case is registered against the applicant in respect of the incident dated 1.5.2025 on 9.6.2025. The deceased is father in law of the applicant. When the deceased had fallen unconscious at home, the applicant had taken him in hospital by car. In the FIR it is stated that the deceased was not hospitalized immediately and the treatment was not provided to the deceased immediately in the hospital and due to that the deceased, father in law of the applicant expired. The FIR is lodged by the mother in law of the applicant on the say of her daughter who is a doctor. Being a doctor, she had asked certain papers from MGM hospital about the treatment of her

father. Thereupon she was informed that on 1.5.2025 Sunilkumar Chopra (deceased) was not admitted in the hospital, no treatment was given to the deceased and therefore, no papers were available about treatment given to the deceased and the accordingly, the FIR was registered against the applicant for not providing treatment to the deceased and withholding the deceased in his car.

4. The learned counsel for the applicant submits that when the deceased was taken to the hospital by the informant and accordingly, police have recorded statements of driver of the applicant, driver of the ambulance driver and police have also collected evidence of entry register and there is entry of patient (deceased). The learned counsel submits that prior to admission of the deceased in the hospital, the deceased died due to cardiac arrest therefore, there were no papers available in respect of treatment given to the deceased. The learned counsel submits that since 10.6.2025 the applicant is behind bars. The learned counsel therefore prays to release the applicant on bail.

5. Per contra, the learned APP as well as the learned counsel assisting APP submits that the FIR is lodged only when it came to know that the applicant had taken the deceased to the hospital, but not admitted immediately and due to that the deceased died and therefore, case is registered against the applicant. Some abusing has taken place between the family members and that the NC was registered. The learned counsel assisting APP submits that the applicant has intentionally not provided medical treatment immediate and has withhold the deceased from receiving the treatment and therefore, the deceased had passed away and as such, the offence punishable under section 105 of B.N.S. was registered.

6. The learned APP has produce the police papers including the medical papers which shows that the deceased had passed away due to coronary artery disease. A letter issued by the MGM Hospital is also produced wherein it is stated that there is no record of treatment of deceased, however in the register of the hospital, there is entry about the deceased that patient was brought in hospital at 11.30 p.m. on 1.5.2025.

7. From perusal of the police papers, it appears that the deceased has suffered cardiac arrest and thereafter, he was taken to hospital and before reaching to the hospital the deceased died. Considering this aspect of the matter and considering that the investigation is substantially progressed, I deem it appropriate to release the applicant on bail.

8. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 321/2025 dated 9.6.2025 registered with CIDCO Police Station, Ch. Sambhajinagar for the offence punishable under section 105 of B.N.S., 2023, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and

other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/