

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 800 OF 2024

Pandurang Dagadu Gholap

... Appellant

Versus

State of Maharashtra & Ors.

... Respondents

.....

Mr. Niranjan Mundargi i/b. Ms. Keral Mehta, Advocate for the Appellant.

Ms. Anuja Gotad, APP for the State.

Mr. Pradeep Thorat, Advocate for Respondent Nos. 2 to 10.

PSI – A.S. Bade, Tokawade, Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATED : 24th JUNE, 2025.

P. C. :

1. The appellant is seeking regular bail in C.R.No. 13 of 2022 registered with Tokwade Police Station, District Thane for the offence punishable under Sections 304 and 420 of Indian Penal Code and under Sections 3(2)(v), 3(2)(v)(a) of the Scheduled Caste and Scheduled Tribes Act, 1989 (Prevention of Atrocities Act), 2015 and under Sections 33(A)(2) and 33(2)(a) of the Maharashtra Medical Practitioner Act, 1961.

2. It is prosecution's case that appellant without having any licence or degree of medical practice, gave medical treatment to 9 people and out of that, 7 people died due to pills and injection given by the appellant.

3. It is contention of learned counsel for the appellant that appellant is

80 years old. He is behind bar around three years. The maximum punishment for offence registered against him is 10 years. The appellant is down with various ailments. Yet trial has not been concluded, only one witness has been examined. It may take time to conclude the trial, hence requested to allow the appeal.

4. It is contention of learned APP along with learned counsel for the respondent No.2 that the appellant treated the poor Adivasi people showing that he has medical degree and gave injection and pills to them. Due to reaction of said injection, seven people died. The appellant was aware that he was not having medical degree in spite of that he played with the life of poor people. The trial has been started. If appellant released on bail he may abscond, hence requested to dismiss the appeal.

5. I have heard all learned counsel. Perused charge-sheet. The allegations against the appellant are, without having any medical degree, he treated 9 people and gave injection and pills to them. But due to reaction of the said injection and pills, 7 people are died. The appellant is behind bar around three years. The maximum punishment for the offence registered against the appellant is 10 years. The appellant is around 80 years old. He is suffering from various ailments. It may take time to conclude the trial. Considering these facts, his further detention is not required and I pass following order:

ORDER

- i. In the event of arrest in connection of C.R.No. 13 of 2022 registered with Tokwade police station, District Thane, the appellant shall be released on bail on executing PR.Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount.
 - ii. The appellant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
 - v. The appellant shall file undertaking before the Sessions Court stating that he will not make medical practice.
6. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)