

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3111 OF 2025

Dr. Nikhil Somnath Saindane	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Himanshu Gavit, for the Applicant.
Mr. G.P. Mulekar, APP, for the Respondent-State.
PI S.S. Avhad, attached to Sarkarwada Police Station, Nashik City,
present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th NOVEMBER 2025

PC:-

1. Heard Mr. Himanshu Gavit, learned Counsel appearing for the Applicant and Ms. Mulekar, learned APP appearing for the Respondent-State.

2. The Applicant who is a Government Servant by the present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) is seeking pre-arrest bail in connection with C.R. No.310 of 2025 registered on 16th October 2025 with Sarkarwada Police Station, Nashik City, Nashik for the offences punishable under Sections 316(2), 316(5), 318(4),

336(2), 336(3), 338, 340(2) and Section 61(2) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. It is the prosecution case that, during the COVID Pandemic, the Government of Maharashtra had given direction to Civil Hospital Nashik, under the scheme of ECRP-II, to construct Modular ICU i.e. Intensive Care Unit comprising of 30 beds for Nashik and 10 beds for General Hospital at Malegaon. At the relevant time the Applicant was the Chief Administrative Officer of Civil Hospital, Nashik. As per the prosecution case, the bids were called to construct Modular ICU comprising of 30 beds for Nashik and 10 beds for General Hospital at Malegaon and a bid has been submitted by a Company namely Crenovative Power Tech Pvt. Ltd.. It is the prosecution case that wife and father of Co-Accused Sagar Dilip Chothave who is the Dental Technician working in the Civil Hospital, Nashik are shown to be the Directors of the said Company. The Applicant at the relevant time was the Chief Administrative Officer of the Civil Hospital, Nashik and also was the Member - Secretary of Tender Scrutiny Committee. The work order for 30 beds at Nashik and 10 beds at Malegaon was issued to the said Crenovative Power Tech Pvt. Ltd. on 04th October 2022

and hurriedly, huge amount of Rs.3,37,00,000/- was paid to the said Company. As per the prosecution case, by using fraudulent documents the said Company submitted the bid and the Applicant with complete knowledge that the said bid is fraudulent bid and the documents submitted for procuring the work are bogus documents has deliberately allowed the tender to proceed further.

4. The allegations against the Applicant are very serious. The Applicant in his capacity as the Chief Administrative Officer of the Civil Hospital, Nashik and also in his capacity as the Member Secretary of Tender Scrutiny Committee has, *prima facie* not only failed in his duty to verify the documents properly, and in fact, has deliberately took such actions so that said Crenovative Power Tech Pvt. Ltd., which is a Company of which wife and father of Co-Accused Sagar Dilip Chothave, who is the Dental Technician working in the Civil Hospital, are shown to be the Directors of the said Company gets the tender. The perusal of the record further shows that huge amount of Rs.3,37,00,000/- has been immediately transferred to the said Company without verifying the progress of the investigation. Thus, custodial interrogation is absolutely essential.

5. It is the submission of Mr. Gavit, learned Counsel appearing for the Applicant that the Applicant is presently working at General Hospital, Malegaon and he is regularly attending the duties and therefore, available for the investigation. However, Ms. Mulekar, learned APP submits that the said statement is a false statement. She relies on notices dated 11th March 2025, 28th May 2025, 29th May 2025, 04th June 2025, 02nd July 2025, 14th July 2025, 20th August 2025, 21st August 2025 and 29th August 2025 issued by the Superintendent of General Hospital at Malegaon to the Applicant, specifically stating that the Applicant is not attending his duties at General Hospital, Malegaon and asking him to join the duties. Ms. Mulekar, learned APP submits that since March 2025 the Applicant is not attending the duties and absconding.

6. The several letters addressed to the Applicant by the Superintendent of General Hospital, Malegaon not only shows that the statement made by Mr. Gavit, learned Counsel appearing for the Applicant, on instructions that the Applicant is attending his duties at General Hospital, Malegaon, District Nashik is totally false statement, however the same also shows that, several letters are being sent to the Applicant asking him to join the duties,

without any adverse action being taken against him clearly shows that the Applicant is a very influential person.

7. One more aspect which is required to be taken into consideration is that the Applicant was working in the Civil Hospital at Nashik as the Chief Administrative Officer by representing that he is a degree holder of Orthopedic. The said Orthopedic degree Certificate is found to be a bogus and fabricated Certificate and therefore, the Medial Council has filed complaint against him and crime is registered as C.R. No.676 of 2022 under Sections 420, 467, 468, 471 read with Section 34 of Indian Penal Code, 1860 at Agripada Police Station, Mumbai and another C.R. No.151 of 2022 under Sections 420, 467, 468, 471 read with Section 34 of Indian Penal Code, 1860 at Nashik Taluka Police Station. The chargesheet is also filed in the Court at Mazgaon, Mumbai against the Applicant i.e. Dr. Nikhil Saindane. The factual position on record shows that inspite of this, Government of Maharashtra has not taken any action of suspension or dismissal of the Applicant from the service. The same clearly shows that the Applicant is a very influential person.

8. It is also required to be noted that Mr. Gavit, learned Counsel appearing for the Applicant submits that there are various reports submitted to the State of Maharashtra by various Authorities stating that the Applicant has not committed any offence. In fact, the Investigating Officer is investigating the crime, the Applicant is absconding, the Applicant is not cooperating with the investigation and various Authorities are submitting reports to the Government of Maharashtra stating that the Applicant has not committed any crime. Thus, *prima facie*, as the Applicant is a very influential person, various Authorities are creating documents in favour of the Applicant.

9. The material on record shows that the Applicant is not available for interrogation and investigation. The Supreme Court in the case of *Lavesh v. State (NCT of Delhi)*¹ has held that such a person is not entitled for getting relief of extraordinary remedy of Anticipatory Bail.

10. Apart from that the Supreme Court in the case of *Nikita Jagannath Shetty @ Nikita Vishwajeet Jadhav v. State of*

1 (2012) 8 SCC 730

*Maharashtra*² has held that Anticipatory Bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. The Supreme Court has further observed that the grant of interim protection or protection to the accused in serious cases will lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. The said observations of the Supreme Court are squarely applicable to the present case.

11. The Supreme Court in the case of *State Rep. By the C.B.I. v. Anil Sharma*³ has held as follows :

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest

2 2025 SCC OnLine SC 1489

3 (1997) 7 SCC 187

bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

The factual aspect on record clearly shows that for effective interrogation the custodial interrogation is necessary.

12. The Applicant is a very influential person. The factual position on record shows that, although, he is not attending his duties at General Hospital, Malegaon, District Nashik for last about 8 months, no effective action has been taken against him. Although, chargesheet has been filed against him concerning a serious offence that he has produced fraudulent Orthopedic Certificate still no action has been taken against the Applicant of suspension or dismissal from the service. The Applicant is a very influential person. The statement made by Mr. Gavit, learned Counsel appearing for the Applicant, on instructions of the Applicant that he is attending his duties at General Hospital Malegaon, District Nashik is a totally false statement.

13. Accordingly, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is rejected.

[MADHAV J. JAMDAR, J.]