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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2 OF 2019
IN
CRIMINAL APPEAL NO.911 OF 2019**

Dr. Ankita Kailash Khandelwal ... Applicant
Vs.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.3 OF 2019
IN
CRIMINAL APPEAL NO.911 OF 2019**

Dr. Hema Suresh Ahuja ... Applicant
Vs.
The State of Maharashtra ... Respondents

**WITH
INTERIM APPLICATION NO.4 OF 2019
IN
CRIMINAL APPEAL NO.911 OF 2019**

Dr. Bhakti Arvind Mehare ... Applicant
Vs.
The State of Maharashtra and Anr. ... Respondents

Mr. Barun Kumar i/b. Mr. Nihalsing B. Rathod for the Applicant in IA/2/2019, IA/3/2019 and IA/3/2019.

Mr. A.H.H. Ponda, Senior Counsel a/w Mr. Chandan Mukherji a/w Mr Milan Hebballi i/b. Mr. Shailesh Kharat for the Applicant in IA/2/2019, IA/3/2019 and IA/4/2019.

Mr. Raja Thakre, Senior Counsel, Special Public Prosecutor a/w Mr. Siddharth Jagushte and Ms. P.P. Shinde, APP for the Respondent in all matters.

Mr. Rahul Nerlekar for Respondent No.3 – Medical Council in all matters.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 20th FEBRUARY 2020.

P.C.:

1 Today, in the course of hearing, the learned senior counsel for the applicants has submitted that the applicants' right to complete their post-graduation from the same College be protected. However, the learned Senior Counsel Mr. Thakre appearing as Special Prosecutor has fairly submitted that at the time of relaxation of conditions, it would be necessary to consider that all the witnesses in the present case are working in the same college. That they all would be working together and therefore, remotest possibility of tampering of witnesses shall be ruled out. The accused/applicants are pursuing their post-graduation in Gynaecology.

2 In view of this, the learned APP Ms. Shinde submits that she would assist the Senior Counsel Mr. Thakre and that they would take appropriate instructions from the Medical College as to whether the applicants/accused can pursue their post-graduation in a different unit other than the one in which they were working prior to registration of Crime No.157 of 2019. The Head of the Department of Gynaecology shall give appropriate instructions to the Dean and the learned APP. The Dean of

B.Y.L. Nair Charity Hospital and Topiwala National Medical College shall also assist the prosecuting agency. The Head of the Department of Gynaecology of B.Y.L. Nair Charity Hospital and Topiwala National Medical College shall remain present in this Court tomorrow i.e. 21st February 2020 at 3.00 pm for enabling this Court to pass appropriate orders.

3 At this stage, the learned counsel for the original complainant has objected to relaxation of conditions on the ground that tampering of witness cannot be ruled out. Taking into consideration all these submissions, it would be in the interest of justice to seek appropriate assistance from B.Y.L. Nair Charity Hospital and Topiwala National Medical College and more particularly, the Gynaecology Department. Stand over to 21st February 2020 at 3.00 pm.

(SMT. SADHANA S. JADHAV, J.)