

Bombay High Court

Shivaji Bhanudas Jadhav vs The State Of Maharashtra on 7 October, 2020

Bench: Bharati Dangre

1/7

16 ABAST-2518-20.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION (ST) NO.2518 OF
2020

| | | |
|--------------------------|----|------------|
| Shivaji Bhanudas Jadhav | .. | Applicant |
| versus | | |
| The State of Maharashtra | .. | Respondent |

...

Mr.Shriram Chaudhari for the Applicant.

Mr.S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 7th OCTOBER, 2020

P.C:-

1 The applicant is apprehending his arrest in a crime registered with Baramati City Police Station, District Pune for the offence punishable under Section 452, 323, 504, 506, 509, 269 and 270 of the IPC, and also Sections 2, 3, and 4 of the Epidemic Diseased Act, 1897. Subsequently, offence under Section 4 of the Maharashtra Medicare Services Persons Act, 2010 has also been added.

2 The complainant is Dr. Sujit Adsul working with Baramati Mahila Hospital and Dr. Rahul Jadhav's Arogya

Tilak

::: Uploaded on - 08/10/2020

2/7

::: Downloaded on - 09/10/2020 22:07:28 :::

16 ABAST-2518-20.doc

Hospital. He lodged a complaint to the effect that on 10 th September 2020, Dr. Rahul Jadhav telephoned the complainant and informed that one of the patient who was infected with Covid had died and people close to him were creating ruckus in front of the hospital. Dr. Jadhav asked the complainant to reach the spot since he was not present there

and then the complainant immediately rushed to the hospital. The complaint further narrates the scene at the hospital when a group of people were hurling verbal abuses and they somehow managed to enter the consulting room of Dr.Rahul Jadhav. The complainant attempted to stop them by stating that this is a Corona Consulting Room and therefore, they should not enter. In spite of this warning, one person barged into the room and started abusing the complainant.

He

questioned as to how the Corona patient died and he himself declared that his name is Shivaji Jadhav and threatened the complainant so that once he comes out will face dire consequences.

The other nursing staff in the hospital attempted to convince the said person but they were also abused. It is then alleged that the person who is the present applicant assaulted him by fist and also abused staff of the hospital. This resulted into filing of a C.R which came to be numbered as C.R.No. 463 of 2020. The applicant is

Tilak

::: Uploaded on - 08/10/2020

::: Downloaded on - 09/10/2020 22:07:28 :::

3/7

16 ABAST-2518-20.doc

apprehending his arrest in the said C.R. and has approached this Court.

3 The applicant claims to be a social worker and is aged 28 years. He though do not justify and is respective of his action, argue that the family members of the deceased had a conversation with him at 9.30 pm and he was in a fine condition. At 10.30 p.m, when it was informed that he is no more, it created ripples in the family members and the applicant happened to be a relative of the deceased person. His submission is that an attempt on his part was only to obtain answers from the Doctor treating the deceased as to what suddenly resulted into his death, when just before one hour, he had conversed with the family members.

No

satisfactory explanation was afforded by the medical team. It is also noted that after the FIR was registered, the applicant attempted to seek answers from the medical staff and again entered the hospital which resulted into registration of an N.C complaint. The family members being in deep sorrow due to the demise of their near one, the applicant argue that he might have over reacted but now he bewail. This is quite a possible situation.

The sorrow and grief of the family members of a

Tilak

::: Uploaded on - 08/10/2020

4/7

::: Downloaded on - 09/10/2020 22:07:28 :::

16 ABAST-2518-20.doc

patient who was entrusted in the care of the hospital staff can very well be understood. However, it also cannot be forgotten that in the turbulent times of the covid pandemic it is the doctors and the nursing and health staff who has acted as corona warriors had been saviours for the infected persons. During the entire period of lock-down, when the citizens were advised to stay indoor and were observing social distancing, it was the health workers who were really fighting a battle with the pandemic on the frontline by putting their lives at risk to keep us safe and their stress and hard work is to be just appreciated and acknowledged if not rewarded. The healthcare professionals have been selfless warriors, giving everything to uphold their job, responsibilities, even at the cost of cutting themselves off from their families and loved ones. They have donned the role of brave medical army, standing strong with their armoury. Their contribution for welfare of humanity is priceless and deserve a lifelong gratitude.

4 The complainant who himself is a Doctor and what has suddenly triggered the death of a Covid patient cannot be so easily explained and the manner in which the ruckus was created, caused tremendous mental stress not only to the complainant but on the entire team of the health

Tilak

::: Uploaded on - 08/10/2020

5/7

::: Downloaded on - 09/10/2020 22:07:28 :::

16 ABAST-2518-20.doc

workers working with him. The incident is really unfortunate, when the medical fraternity itself was subjected to an attack, verbal and physical at the instance of the applicant, though it can be very well understood that he lost his temper on account of the sudden demise of his near relative, but at the same time, it can be very well discerned that the applicant had no intention and since he is remorseful of his action and perceive that he ought to have behaved in a

responsible manner as his over anxiety did not yield any results. Since the applicant had no intention to commit any offence or deal the situation in a manner in which he has dealt with, the applicant requires a protection. But he must be made accountable for his irresponsible act and particularly towards the health workers who are fighting the battle of Pandemic on the forefront.

5 It is also informed by the learned APP that the present applicant who project himself to be a social worker, work in the larger interest of the society, had also a brush with the law lately in May 2020 when an offence under Section 353 came to be registered against him, when he attempted to intervene in an encroachment drive on the municipal road. The applicant therefore, must take up the

Tilak

::: Uploaded on - 08/10/2020

6/7

::: Downloaded on - 09/10/2020 22:07:28 :::

16 ABAST-2518-20.doc

responsibility of his reckless and supercilious act and this can only be attained if he contribute to the cause for which he had fought the so-called battle, when one of his close relative succumbed to the Pandemic. The applicant would therefore be entitled for the relief of being released on bail in anticipation of his arrest since crime registered against him do not warrant his custodial interrogation but this is subject to a stipulation that he would contribute an amount of Rs.One lakh to the Chief Ministers Relief Fund meant for catering to the Pandemic - Covid 19.

The amount shall be deposited within a period of two weeks from his release and the receipt thereof be forwarded to the Investigating Officer. Hence, the following order :-

ORDER

(a) In the event of his arrest, the Applicant - Shivaji Jadhav in connection with FIR No.0463 of 2020 shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b) He shall not directly or indirectly make any inducement, threat or promise to any person Tilak 7/7 16 ABAST-2518-20.doc acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The Applicant shall make himself available as and when required by the Investigating Officer.

(d) Within a period of two weeks from the release, the applicant shall deposit an amount of Rs. One lakh in the C.M. Relief Fund, either in cash or by way of cheque and produce receipt thereof to the Investigating Officer. Failure to deposit the amount would denude him of the protection from his arrest.

6 The Application is allowed in the aforesaid terms.

7 Registry is directed to list the matter for compliance after two weeks.

SMT. BHARATI DANGRE, J Tilak