

Bombay High Court

Indrajit Dilip Patil And Ors vs The State Of Maharashtra And Anr on 4 June, 2021

Bench: S. K. Shinde

Rane

1/3

Appeal-485-2021 (sr. 20)  
4June, 2021

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL  
APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 485 OF 2021

Mr. Indrajit Dilip Patil  
and Ors. .... Appellants  
V/s.  
The State of Maharashtra  
and anr. .... Respondents

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Mr. Manoj Mohite, Senior Advocate i/by. Ms. Saili N. Dhuru, Advocate  
for the appellants.

Mrs. Prajakta Shinde, APP for State.

CORAM : SANDEEP K. SHINDE, J.

(Vacation Court through Video Conference) Friday, 4th June, 2021.

P.C. :

1. Heard Mr. Mohite, learned Senior Advocate for the appellants and Mrs. Shinde, learned APP for State.

2. It is an Appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Rane 2/3 APPEAL-485-2021 (SR.20) 4JUNE,2021

3. It is complainant's grievance that, his relative who had suffered Corona, when admitted in the Hospital, was overcharged. It is thus alleged, while taking treatment his relative had expired but the hospital authorities refused to handover the dead body unless, dues were settled. Intervention of the Revenue Officer was sought. Whereafter the dead body was handed over to a relative. It is in these circumstances, offence under Section 3(r) and (s) came to be registered against the appellants who were attached to the Hospital. Mr. Mohite, had relied on the judgment of the Apex Court in the case of Prathaviraj Chauhan V/s. Union of India, AIR 2020 SC 2036.

4. Prima-facie, offence under Section 3(r) and (s) is not made out.

5. Issue notice to respondent NO.2 returnable on 18TH June, 2021. Additionally, State shall serve the respondent through the concerned Police Station and inform him that application shall be heard on 18TH June, 2021.

5. In the meantime, in the event of arrest of the appellants in C.R. NO.391/2021 registered at Islampur Police Station, they shall be released on bail on executing Rane 3/3 APPEAL-485-2021 (SR.20) 4JUNE,2021 P.R. bond for the sum of RS.25,000/- each with one or more sureties in the like sum.

6. The appellants shall join the investigation and when called by the Investigating Officer and co-operate in the investigation.

7. The appellants shall furnish their permanent residential address and contact number to the Investigating Officer forthwith.

8. The appellants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. Stand over to 18TH June, 2021 for further consideration.

[SANDEEP K. SHINDE, J.]

