

CRIMINAL BAIL APPLICATION NO. 152/2026**(CNR NO. MHDH01-000666-2026)****Avinash Vitthal Patil****V/s.**

- 1) The State of Maharashtra**
- 2) Dr. Sushilkumar Dharmraj Navsare**

ORDER BELOW EXH.1

By this application applicant/accused seeks his enlargement on bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 46/2026 registered with Dhule City Police Station, for the offences punishable U/s. Sections 109, 351 (2), 351 (3), 352, 3 (5), of BNS, Sections 3 (1) r), 3 (1) (s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Sections 3, 4 & 5 of The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.

02. I have gone through the grounds submitted by the applicant, the say filed by investigation officer through prosecution at Exh.12 and the say filed by original informant vide Exh. 10.

03. Prosecution case is that informant Dr. Sushilkumar Dharmraj Navsare lodged report in Dhule City Police Station on

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13/02/2026. According to him on 12/02/2026 at about 2.00 pm accused Samadhan Patil R/o Mohadi Upanagar, along with two other unknown persons arrived in Sai Sunder Hospital, owned by him, and in furtherance of their common intention, on suspicion that he provided improper treatment to Sakshi Samadhan Patil, the daughter of Samadhan Patil on 14/01/2026, hit the earlobe, out of them a person in a rest room with intent to kill him throttled his neck by both hands and tried to kill him. All the above three persons knowing that the informant belongs to Tokare Koli community, abused him as तुझी लायकी नसतांना, तु डॉक्टर झाला आहे, साल्या बोगस डॉक्टर, तु धुळ्यात तुझी डॉक्टरकी कशी करतो. They also threatened him to kill. Therefore, the informant lodged report against them.

04. Heard learned Advocate for applicant Mr. N. G. Dusane, and learned APP Mr. N. B. Kalal. I have gone through the FIR and other documents filed on record. Learned APP relied on **Ratan Singh V. State of M. P. and another, 2009 Supreme (MP) 498** wherein Hon'ble Supreme Court observed that "*whether there was intention to kill or knowledge that death will be caused is a question of fact and would depend on the facts of a given case. The circumstances that the injury inflicted by the accused was simple or minor will not by itself rule out application of Section 307 of IPC. The determinative question is intention or knowledge, as the case may be, and not nature of the injury.*"

05. The F.I.R. is registered under section 3 (1) (r) (s) of

the S.C. and S.T. (Prevention of Atrocities) Act. The application of said sections can very well be decided at the stage of trial. From the nature of allegation made in the FIR, prima-facie it do not indicate that the applicant and other persons were knowing the caste of informant. Prima-facie the FIR do not disclose specific abuses by referring the caste of informant hurled by applicant and others accused. Though the nature of injury is not relevant while considering the application of Section 109 of BNS, the said aspect can be dealt with at the stage of trial.

06. Although the allegations made against all the accused persons including the applicant in assaulting the doctor in the hospital itself under the belief that improper treatment was provided to the daughter of accused Samadhan, are serious causing fear in the mind of informant, it would not justify pretrial detention of the applicant for indefinite period. The applicant is behind bars since 13/02/2026. Material investigation in the crime is completed. Other two accused are yet to be arrested, but it is not the reply of investigation officer that identification parade of the applicant is to be held. No weapon is used by the applicant in the alleged offense. Therefore, no recovery is pending at his instance. The apprehension of the prosecution and informant in respect of pressurizing the prosecution witnesses and creating hurdles in the process of investigation can be taken care of by imposing suitable conditions. Considering the allegations made against the

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applicant, I am of the opinion that further incarceration of the applicant is unwarranted and he is entitled for enlargement on bail. Resultantly, I pass following order.

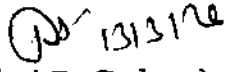
ORDER

- (1) Application is allowed.
- (2) Applicant **Avinash Vitthal Patil**, be released on bail on furnishing Personal Bond of **Rs.1,00,000/- (Rs. One Lakh Only)** along with one solvent surety in the like amount, in connection with Crime No. 46/2026 registered with Dhule City Police Station, for the offences punishable under Sections 109, 351 (2), 351 (3), 352, 3 (5), of BNS, Sections 3 (1) (r), 3 (1) (s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Sections 3, 4 & 5 of The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010, on the following conditions:
 - (i) He shall attend the concerned police station on every Sunday between 10:00 am to 11:00 am till 30th April-2026
 - (ii) He shall not tamper with prosecution evidence.
 - (iii) He shall submit his proof of residence/ Aadhar Card along with the details of mobile numbers of his two close relatives in the Court and in concerned police station.
 - (iv) Violation of any conditions above, will be a ground for cancellation of bail.

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(v) Bail order be informed to applicant through Jail authority by E-mail.

Dhule
Date : 13/03/2026


(Jayshri R. Pulate)
Additional Sessions Judge, Dhule.