



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 382 OF 2023**

Zakir Ali Khan ... Applicant

Versus.

The State Of Maharashtra ... Respondent

WITH

CRI. INTERIM APPLICATION NO. 707 OF 2023

Sohail Shahzad Hussain ... Applicant

Versus

The State Of Maharashtra ... Respondent

IN

ANTICIPATORY BAIL APPLICATION NO. 382 OF 2023

Adv. Arun Mishra, Adv. Mukta Mishra, Adv. Arpita Mishra i/b Adv. Aishwarya Khanolkar, for the Applicant.

Mr. Yogesh M. Nakhawa, APP for the Respondent – State.

P. I. - Mr. Deepak Mahadik (Crime), present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 04th May, 2026.

P.C. :

1. Heard, Mr. Arun Mishra learned Advocate for the Applicant and Mr. Yogesh Nakhawa learned APP for the Respondent-State.

2. This is an Application filed by the Applicant on 04.02.2023 seeking pre-arrest bail, apprehending arrest in Crime No. 1271 of



2022 registered with Shivaji Nagar Police Station, Mumbai, for offences punishable under Sections 304(2), 465, 467, 468 read with Section 34 of the Indian Penal Code, Sections 33 and 36 of the Medical Practitioners Act, 1961, and Section 5 of the Mumbai Nursing Homes Registration Act, 1949.

3. There are four accused in the said crime. The Applicant herein is Accused No. 4.

4. The case of the prosecution is that the wife of the first Informant, who was in labour, was taken to R. N. Hospital, owned by the Applicant. Co-accused Dr. Mehta Hussain Zakir Ali Khan (Accused No. 2), who was present at the hospital at the relevant time, advised the lady to undergo a USG. After the USG test, Accused No. 2 commenced treatment. Co-accused Soliha Khan (Accused No. 3), the nurse, assisted Accused No. 2 and the lady delivered a baby. As there was no movement, Accused No. 2 advised the first Informant to shift the baby to the Muskan Hospital, Shivaji Nagar. The Medical Officer at Muskan Hospital directed the first Informant to Rajawadi Hospital. Upon examination, the Medical Officer at Rajawadi Hospital declared the



baby dead.

5. Accused No. 2 and the co-accused Altaf Zakir Ali Khan (Accused No. 1) i.e. the son of the Applicant herein, have been released on bail by this Court in Bail Application Nos. 3252 of 2023 and 2750 of 2023, respectively. Accused No. 3 was released on bail by the Sessions Court on 03.02.2023 in Bail Application No. 3054 of 2022. Adv. Aruna Mishra tenders the Order(s) passed in Bail Application No. 3252 of 2023, Bail Application No. 2750 of 2023 and Bail Application No. 3054 of 2022 which are taken on record and marked “**X colly**” for identification.

6. On 9th April 2026 the following order was made :-

“1) After deliberation for sometime, Mr. Mishra, learned Counsel for the Applicant undertakes that the Applicant shall attend before the Investigating Officer on or before 22nd April, 2026 between 11.00 am to 4.00 pm for the purpose of investigation. The said statement is accepted.

2) Mr. Kakhwa, learned APP, on instructions from Mr. Mahadik the Investigating Officer who is present in the Court states that the Investigating Officer will not arrest the Applicant, till the next date.



3) *Stand over to 24th April, 2026.”*

7. Mr. Arjun Mishra, learned Advocate for the Applicant, submits that the Applicant, a Doctor by profession, has cooperated with the investigation. He further submits that the Applicant has no criminal antecedents and will continue to co-operate with the investigation.

8. Mr. Yogesh Nakhawa learned APP for the State, submits that during the investigation, the Investigation Officer has seized about 39 stamps of various doctors, which according to the Investigation Officer, are forged. He submits that the Applicant's qualification as a doctor is in doubt and is under investigation.

9. Mr. Yogesh Nakhawa learned APP for the State, on instructions, submits that the Applicant be directed to appear before the Investigation Officer as and when required. He further submits that the original documents of the Hospital (i.e. licences, permissions, etc.) and the original of the Applicant's Qualification Certificate are required for investigation.

10. Mr. Arjun Mishra learned Advocate for the Applicant, on



instructions of the Applicant, submits that the Applicant has all the originals of the documents referred to by Mr. Yogesh Nakhawa, learned APP and that the Applicant shall hand over the said original documents to the Investigation Officer within ten (10) days from today. Mr. Arjun Mishra further states that the Applicant shall co-operate with the Investigation and shall appear and attend before the Investigation Officer as and when required.

11. The Applicant was not present at the Hospital during the period when the first Informant's wife was treated there. Accused Nos. 2 and 3, who treated the first Informant's wife, have been released on bail. The Applicant is a Doctor by profession with no antecedents, as submitted by Mr. Arjun Mishra learned Advocate for the Applicant. Considering the facts of the case, no case for custodial interrogation is made out.

12. Respondent is also seeking the presence of the Applicant before the Investigation Officer as and when required by the Investigation Officer.

13. This Application is therefore allowed in the following



terms :-

- a. In the event of arrest of the Applicant in Crime No. 1271/2022 dated 18.12.2022, registered with Shivaji Nagar Police Station, Mumbai the Applicant shall be released on bail on furnishing a PR bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one or two local sureties in the like amount.
- b. Applicant shall report to the Investigating Officer, Shivaji Nagar Police Station, Mumbai, on the 2nd and 4th Monday of each month, commencing from 11th May 2026. In the event the Applicant is required to report on any other day by the Investigating Officer, Shivaji Nagar Police Station, Mumbai, the Applicant shall ensure his presence before the Investigating Officer.
- c. Applicant shall produce the original documents of the Hospital (i.e. licences, permissions, etc.) and the original of the Applicant's Qualification Certificates, within 10 days from today.



d. Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

e. Applicant shall not tamper with evidence in any manner.

f. Applicant shall provide the Investigation Officer with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.

g. Applicant shall cooperate with the Investigating Officer in the process of investigation of the present Crime.

12. This Anticipatory Bail Application No. 382 of 2023 is disposed off.

(ASHWIN D. BHOBE, J.)