



2026 INSC 1075

REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). _____ OF 2026
(Arising out of SLP (Crl.) No(s).16674 of 2026)

STATE OF MAHARASHTRA APPELLANT(S)

VERSUS

RAMESH SUKRYA MHATRE AND ORS.
....RESPONDENT(S)

O R D E R

Mehta, J.

1. Heard.
2. Leave granted.
3. The efficacy of medical care is inseparable from the trust and respect reposed in the doctors and nurses. This enduring truth finds eloquent expression in the following verse from the Suśruta Saṃhitā¹:-

Signature Not Verified
Digitally signed by
NEETU KHANWARIA
Date: 2026.10.01
14:54:43 IST
Reason:

¹ Suśruta Saṃhitā Sūtrasthāna 29.52/2-53/1.

“न स सिध्यति वैद्यो वा गृहे यस्य न पूज्यते ।

भवने पूज्यते वापि यस्य वैद्यः स सिध्यति ॥”

4. In its literal sense, the verse conveys that a physician does not succeed in a house where he is not respected; where the physician is respected, his treatment succeeds. Though expressed in the language of an ancient medical tradition, the principle underlying the verse retains undiminished relevance even today.

5. Few responsibilities in a civilised society are as profound as that entrusted to a doctor. The special place accorded to the medical profession flows from the very nature of the service it renders to humanity. It concerns human life, human dignity and the alleviation of human suffering. A doctor is, therefore, required to bring to the discharge of his or her duties not merely knowledge and technical competence, but also sound judgment, patience, composure and compassion. The responsibility is consequently of a character that extends beyond the mere provision of a professional service.

6. It is this unique character of the profession that distinguishes the relationship between a doctor and a patient from an ordinary commercial or service relationship. A patient does not merely engage a professional for the performance of a task; he places his health and, in serious cases, his very life in the hands of the doctor. The relationship is thus founded upon a degree of trust that cannot be measured merely by the professional service rendered or the remuneration received. The ancient Roman Stoic philosopher Lucius Annaeus Seneca aptly expressed the thought, while the physician is paid for his professional service, gratitude remains owed for the kindness and care that transcend the service itself.² The observation aptly recognises that the confidence, reassurance and humanity accompanying medical care form an integral part of the relationship between the doctor and the patient.

7. The weight of this responsibility is brought into sharpest relief in the actual practice of medicine. Within a hospital, and particularly in an emergency, a doctor may be required to assess a patient, make

² Lucius Annaeus Seneca, *De Beneficiis* (On Benefits), Book VI, *available at: <https://www.gutenberg.org/files/3794/3794-h/3794-h.htm>* .

critical decisions and commence treatment within moments, often without the benefit of complete information. The decision so taken may bear directly upon the life and well-being of the patient. The discharge of such responsibility necessarily requires the physician to remain composed, focused and free to exercise independent professional judgment.

8. An environment conducive to the discharge of such a responsibility is, therefore, not a matter of convenience for the medical professional. It is a condition necessary for the proper delivery of medical care. A doctor cannot reasonably be expected to exercise sound and independent judgment while labouring under the apprehension of physical violence, intimidation or coercion. The safety and dignity of the medical professional are consequently not matters of personal privilege. They are the safeguards which serve the larger public interest in ensuring that medical care is rendered with the concentration, composure and judgment that the profession demands.

9. This does not place medical professionals beyond scrutiny or accountability. A patient or his family remains entitled to question the treatment

provided, complain of negligence or delay, seek investigation into an adverse outcome and pursue such remedies as are available in law. Indeed, the availability of these lawful avenues is essential to ensuring accountability within the medical profession.

10. What the law cannot countenance is the substitution of these remedies by threat, violence and coercion. Physical violence, intimidation or coercion cannot become a means of expressing dissatisfaction with medical treatment, securing compliance with a demand or raising grievance for an adverse medical outcome. A grievance, however genuine, does not confer a licence to resort to violence. To permit such conduct would not merely imperil the individual doctor. It would undermine the very conditions in which medical professionals are required to make decisions upon which the life and health of patients may depend. Any patronage to such activities would alter the civil society in one run by outlaws.

BRIEF FACTS

11. It is against this backdrop that the present case assumes significance and falls for our consideration. The allegations concern an incident involving brazen

assault on doctors and medical staff who were discharging their professional duties in a municipal hospital. The questions posed before this Court must necessarily be considered in the context in which the incident is alleged to have occurred. Before we proceed to examine the rival submissions and the exercise of discretion by the Courts below, it would be apposite to briefly set out the factual matrix necessary for the disposal of the present appeal.

12. It is the prosecution's case that, on 6th July, 2026, at about 8:00 p.m., respondent No. 1, Ramesh Sukrya Mhatre³, an elected Corporator of the Kalyan Dombivli Municipal Corporation from Ward No.24, led respondent Nos.2 to 4, namely, Ramesh Laxman Pawar, Pramod @ Prakash Uddhav Nikam and Akshay Sharad Karande, in assaulting and verbally abusing three doctors, including a lady doctor, who were on duty in the Labour Ward of Shastri Nagar Municipal Hospital, Dombivli.

13. The incident arose from a dispute concerning the shifting of a pregnant patient in labour. The respondent No.1-Ramesh is further alleged to have

³ Hereinafter, referred to as "respondent No.1-Ramesh".

threatened the informant, Dr. Vaibhav Namdev Salunkhe⁴, thereby causing apprehension and fear, which, according to the prosecution, resulted in delay in registration of the First Information Report.

14. It was in the aforesaid circumstances that FIR No. 195 of 2026 came to be registered on 7th July, 2026 at Vishnu Nagar Police Station, Thane City at about 8:27 p.m. for offences punishable under Sections 121(1), 132, 189(2), 190, 191(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023⁵, and Sections 3 and 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.

15. The respondent Nos.2 to 4 were arrested at about 3:48 a.m. on 8th July, 2026. The respondent No.1-Ramesh, after being served with notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023⁶, was arrested at about 5:08 p.m. and was thereafter admitted to Civil Hospital, Thane, purportedly on account of high blood pressure.

⁴ Hereinafter, referred to as “informant-Vaibhav”.

⁵ For short, “BNS”.

⁶ For short, “BNSS”.

16. On 9th July, 2026, the request for production of respondent No.1-Ramesh through video conferencing came to be rejected. He was accordingly produced physically before the learned Judicial Magistrate First Class, 5th Court, Kalyan on 10th July, 2026, whereupon all the four accused persons were remanded to police custody until 13th July, 2026.

17. Upon completion of the period of police custody, the accused were remanded to judicial custody by the learned Judicial Magistrate First Class, 5th Court, Kalyan *vide* order dated 13th July, 2026.

18. Notwithstanding the stage of investigation and the antecedents attributed to respondent No.1-Ramesh, who was stated to have 17-18 criminal cases registered against him, the learned Judicial Magistrate First Class, 6th Court, Kalyan⁷, by order dated 14th July, 2026, enlarged respondent No.1-Ramesh on bail.

19. By a subsequent order dated 17th July, 2026, respondent Nos.2 to 4 were also enlarged on bail by the learned Magistrate, principally on the ground of parity.

⁷ Hereinafter, referred to as “the learned Magistrate”.

20. In the aftermath of the incident, the lady doctor who was one of the victims, having suffered trauma, ignominy and insecurity, resigned from service. The remaining victim doctors are stated to have refrained from attending to their duties on account of fear and apprehension arising from the incident.

21. The incident evoked widespread public concern and disquiet, whereupon the High Court of Judicature at Bombay⁸ took *suo moto* cognizance of the matter, bearing *Suo Moto Writ Petition No. 1 of 2026*, on 18th July, 2026. The High Court stayed the aforesaid orders dated 14th July, 2026 and 17th July, 2026 granting bail to respondent Nos.1 to 4, and directed respondent No.1-Ramesh to surrender by 19th July, 2026. The respondents No.2 to 4 were already in judicial custody as their formal release formalities and surety bond procedures were still pending.

22. Pursuant to the said direction, respondent No.1-Ramesh surrendered and was remanded to magisterial custody.

⁸ Hereinafter, referred to as “the High Court”.

23. During the subsequent proceedings, the High Court impleaded the Indian Medical Association as respondent No.6⁹ and the Kalyan Dombivli Municipal Corporation as respondent No. 7¹⁰.

24. The High Court thereafter transferred the investigation to the Deputy Commissioner of Police, Zone-III, Kalyan. It further directed that the statement of the informant- Vaibhav, be recorded under Section 183 of the BNSS.

25. By order dated 31st July, 2026, the High Court took note of the progress of the investigation and directed respondent No.7-KDMC not to accept the resignations tendered by the victim doctors.

26. By the impugned order dated 7th August, 2026, the High Court modified its earlier order staying the orders granting bail as well as orders dated 14th July, 2026 and 17th July, 2026, passed by the learned Magistrate, granting bail to respondent No.1- Ramesh, and respondent Nos.2 to 4, respectively and directed that said respondents be enlarged on bail, subject to certain conditions.

⁹ Hereinafter, referred to as “respondent No.6-IMA”.

¹⁰ Hereinafter, referred to as “respondent No.7-KDMC”.

27. The conditions so imposed included, *inter alia*, a direction requiring respondent Nos.1 to 4 to reside outside the State of Maharashtra until commencement of the trial; to report thrice a week at Anjuna Police Station, North Goa; to surrender their passports; and to refrain from contacting the witnesses.

28. The High Court further proceeded to issue extensive directions concerning the conduct and timeline of the trial, including directions for assignment of the case to a Special Judge¹¹; appointment of a Special Public Prosecutor; submission of forensic reports and filing of the chargesheet; besides directing that the proceedings be taken up on a fast-track basis.

29. Aggrieved by the impugned order, respondent Nos.1 to 4 approached this Court by way of separate Special Leave Petitions¹² assailing the conditions imposed by the High Court while enlarging them on bail.

¹¹ Hereinafter, referred to as “the trial Court”.

¹² SLP(Crl) Nos. 16040-16041/2026; 16235-16236/2026; 16260-16261/2026; 16293-16294/2026.

30. The said Special Leave Petitions came to be dismissed as withdrawn on 7th September, 2026. In the meantime, the State had preferred the present appeal assailing the impugned order, and this Court, on the same day, took the present appeal on board and issued notice to the respondents.

SUBMISSIONS ON BEHALF OF THE APPELLANT-STATE, INFORMANT AND INDIAN MEDICAL ASSOCIATION

31. Mr. Shrirang Verma, learned counsel appearing for the appellant-State, submitted that the impugned order suffers from patent perversity and is vitiated by non-consideration of material facts and circumstances having a direct bearing upon respondents' entitlement to bail.

32. Learned counsel submitted that, by its order dated 18th July, 2026, the High Court had, *prima facie*, found that the orders passed by the learned Magistrate granting bail were unreasoned and suffered from serious infirmities. Having recorded such a finding and, on that basis, having stayed the operation of the said bail orders, the High Court while subsequently permitting respondent Nos.1 to 4 to enjoy the liberty of bail, was required to disclose

cogent and discernible reasons for departing from the very basis on which it had earlier exercised jurisdiction. It was submitted that the impugned order, however, does not disclose any fresh, material or compelling circumstance which could justify such departure from the earlier *prima facie* view taken by the High Court.

33. It was further submitted that the High Court, while permitting respondent Nos.1 to 4 to remain on bail, failed to accord due consideration to the nature and gravity of the allegations, the antecedents of respondent No.1-Ramesh, the apprehension of intimidation of the witnesses and other material circumstances forming part of the record.

34. Learned counsel contended that the period of custody undergone by the respondent Nos.1 to 4, being approximately 27 days, could not, by itself, have outweighed the nature and gravity of the allegations, status of the victims, stage of investigation, antecedents attributed to respondent No.1-Ramesh, and the apprehension of intimidation or interference with the victims and witnesses. Significantly, the impugned order does not record any reasoned assessment as to how the custody of mere

27 days had materially altered, diluted or otherwise neutralised the circumstances which had earlier weighed with the High Court in staying the orders granting bail.

35. Learned counsel appearing for the informant-Vaibhav, submitted that the High Court failed to accord due consideration to the allegations regarding the threats extended to the informant. It was contended that the said circumstance was material to the assessment of the apprehension of intimidation or interference with the informant and other witnesses and, consequently, could not have been overlooked while confirming the order granting bail to respondent Nos.1 to 4.

36. Learned counsel appearing for respondent No. 6-IMA submitted that the conduct attributed to respondent Nos.1 to 4 has caused considerable distress and apprehension amongst the medical fraternity. It was contended that medical professionals entrusted with the responsibility of attending to the health and well-being of citizens were being required to discharge their duties in an atmosphere of fear and insecurity. The victim doctors have refrained from attending to their duties owing to

the fear and apprehension arising from the incident. According to the learned counsel, these circumstances were directly relevant to the apprehension of intimidation or interference with the victims and witnesses and, therefore, warranted due and specific consideration while exercising discretion in the matter for grant of bail.

37. Learned counsel also placed reliance upon Section 13(1)(a) of the Maharashtra Municipal Corporations Act, 1949¹³ (reproduced hereinbelow for ease of reference) and submitted that the said provision contemplates removal of a Councillor from office upon his being found guilty of misconduct in the discharge of his duties or of any disgraceful conduct during his current term or the immediately preceding term of office:-

“13. Liability of Councillors to removal from office.—(1) (a) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties, or of any disgraceful conduct, during his current term of office or

¹³ For Short, “MMCA, 1949”.

immediately preceding term of office
as a Councillor.”

38. It was contended that, having regard to the mandatory consequences contemplated under the said provision in respect of conduct attributable to a Councillor, the position held by respondent No.1-Ramesh and the allegations arising out of the incident are relevant circumstances which ought to be considered in their proper perspective while exercising judicial discretion in favour of respondent Nos.1 to 4 for their enlargement on bail.

39. It was submitted that a fresh incident of alleged assault and intimidation of doctors and hospital staff at a hospital in Palghar assumes significance, particularly as the persons allegedly involved therein are stated to belong to the same political party as respondent No.1-Ramesh. It was thus contended that the said occurrence lends further credence to the apprehension of continued threat expressed by the medical professionals, an aspect which assumes particular significance in the present case.

40. On these grounds, learned counsel appearing for the appellant-State, informant-Vaibhav, and

respondent No. 6-IMA implored the Court to set aside the impugned order and allow the appeal.

SUBMISSIONS ON BEHALF OF THE RESPONDENT ACCUSED

41. *Per contra*, Shri Siddhartha Dave, learned senior counsel, appearing on behalf of respondent No.1-Ramesh, and learned counsel representing respondent Nos.2 to 4, vehemently and fervently opposed the submissions advanced on behalf of the appellant-State, informant-Vaibhav, respondent No.6-IMA and supported the impugned order insofar as it enlarged the said respondents on bail.

42. Shri Dave submitted that the allegations contained in the FIR are false, distorted and exaggerated. It was contended that the version set out in the FIR had been considerably influenced by the intense media coverage and the resultant public outrage sparked because of the incident, and that the allegations, as presented, are not borne out by the objective material collected during the course of investigation.

43. Learned senior counsel submitted that the injuries allegedly sustained by the victim-doctors were simple in nature. It was contended that all the

offences invoked in the FIR are triable by the learned Magistrate and carry a maximum punishment of imprisonment up to five years. According to the learned senior counsel, the nature of the injuries and the statutory scheme governing the offences are material considerations in assessing the necessity of continued custodial detention and the respondents' entitlement to bail.

44. Learned senior counsel submitted that the prosecution proposes to examine as many as 64 witnesses and that, having regard to the number of witnesses required to be examined and the nature of the evidence to be recorded, the trial is likely to consume considerable time, despite the High Court setting out a fixed timeline, thereby necessitating that respondent No.1 to 4 should be held entitled to remain on bail during the pendency of the trial.

45. It was submitted that, out of the 17-18 cases relied upon by the prosecution as antecedents of respondent No.1-Ramesh, 16 had culminated either in acquittal or discharge, while only one case remained pending.

46. In backdrop of the submissions made hereinabove, learned counsel for the respondent

Nos.1 to 4 supported the impugned order insofar as it enlarged the said respondents on bail and urged that the appeal be dismissed as devoid of merit.

ANALYSIS AND DISCUSSION

47. We have given our thoughtful consideration to the submissions advanced at bar and have carefully gone through the impugned order and the material placed on record.

48. Democracy confers power through the ballot, but the exercise of that power remains subject to the discipline of law. It is, therefore, a matter of serious concern when persons occupying elected office begin to perceive the mandate of the people as a source of personal authority and unbridled power and, in the process, assume for themselves a position to command, intimidate or even enforce their own will.

49. The constitutional order draws a clear line between authority conferred by law and influence exercised by an individual. An elected representative is entrusted with the responsibility of serving the public and strengthening the institutions through which grievances are addressed and justice is administered. He/She cannot supplant those institutions by assuming the role of the police, the

administrator or the Court. The use of personal influence to secure compliance through fear or intimidation has consequences extending beyond the immediate victim and carries the potential to erode public confidence in the rule of law itself.

50. The concern assumes greater significance when the persons subjected to such conduct are medical professionals entrusted with the care of the health and well-being of citizens. These professionals discharge onerous duties in circumstances which frequently involve vulnerable patients, medical emergencies and decisions requiring instantaneous professional judgment and composure. An atmosphere of fear or insecurity within a healthcare institution can have consequences extending beyond the individual medical officer concerned, by impairing the safe and effective delivery of medical care. Those entrusted with protecting the health of others cannot themselves be placed in a position where they are compelled to discharge their professional responsibilities under fear, intimidation or apprehension.

51. In the conspectus of the aforesaid circumstances, we have no hesitation in observing

that any attempt to intimate or assault medical professionals, while discharging duties entrusted to them in the interest of public health, cannot be tolerated, much less at the hands of persons holding elected office or for that matter any other person. An elected representative, by virtue of the office entrusted to him, bears a heightened responsibility to uphold the authority of law and to conduct himself in a manner that reinforces public confidence in public institutions. Resort to violence against medical professionals by a person occupying such office is, therefore, particularly grave, as it not only imperils the safety and dignity of those entrusted with the care of patients, but also undermines the very responsibility attached to public office to uphold, rather than undermine, the rule of law. The authority conferred by an elected office can never furnish a basis for disregarding the legal restraints that bind every citizen.

52. Incidents such as the one at hand inflict deleterious effects on the peace and tranquility of the society at large and also create disruption of public order. The fact remains that pursuant to respondent Nos.1 to 4 having been granted indulgence of bail,

one more incident of similar nature happened in Palghar, Maharashtra, where doctors and hospital staff were subjected to high-handedness and assault at the hands of political functionaries. It is asserted that when the hospital staff attempted to intervene, one of the perpetrators slapped a receptionist and threatened a woman employee. Crucially, the alleged assailants also belong to a political organization. Though constituting an independent cause of action on its own facts, this occurrence fortifies the apprehension regarding the sense of insecurity prevailing in medical fraternity.

53. It is against the foregoing backdrop that we are called upon to examine the exercise of discretion by the Courts below in favour of respondent Nos.1 to 4. The question before us is not merely whether respondent Nos.1 to 4 ought to remain at liberty pending trial, but whether the favourable exercise of discretion, given the totality of the material available on record, suffers from perversity or non-application of mind.

54. We find considerable force in the submission that the approach adopted by the High Court in its orders dated 18th July, 2026 and 7th August, 2026,

reflect an irreconcilable approach on key considerations crucial to exercising discretion in the matter of bail. In its *suo moto* order dated 18th July, 2026, the High Court had, *prima facie*, observed that the learned Magistrate could not have granted bail to the respondent Nos.1 to 4 having regard, *inter alia*, to the nature of the allegations and the brazen assault upon doctors while they were discharging their duties. It was on the basis of such *prima facie* assessment that the High Court stayed the operation of the orders granting bail.

55. Having thus intervened and taken the view that the orders of the learned Magistrate suffered from serious infirmity, the High Court while passing the impugned order proceeded to enlarge respondent Nos.1 to 4 on bail, though subject to conditions, principally on the consideration that they had furnished details of their place of residence outside the State of Maharashtra, the period of custody undergone by them, the substantial progress made in the investigation and the likelihood of completion of forensic analysis shortly.

56. What is conspicuously absent from the impugned order is any finding as to what intervening

circumstance had occurred between the two orders so as to displace the *prima facie* view earlier taken by the High Court. The mere passage of time in custody, progress in investigation or the anticipated completion of forensic analysis, without anything further, does not explain how the circumstances which had earlier weighed with the High Court had ceased to operate or had otherwise lost their significance. The impugned order does not undertake any such assessment.

57. The position that emerges on a holistic view is that the two orders, despite being rendered in quick succession in the same cause and concerning the same respondents, proceed upon fundamentally conflicting principles bearing upon the entitlement to bail.

58. In our considered view, once the High Court had itself found sufficient *prima facie* evidence to stay the orders granting bail and to require respondent No.1- Ramesh to surrender, any subsequent departure from that position necessarily called for cogent and discernible reasons. The impugned order, in our view, falls short of such an examination.

59. This assumes greater significance in view of the criminal antecedents attributed to respondent No.1- Ramesh. The criminal antecedents of an accused assume particular significance while considering an application for bail, especially where the material on record indicates a pattern of repeated involvement in criminal activities. In the case of habitual offenders, such antecedents constitute a material circumstance which cannot be disregarded while exercising judicial discretion in the matter of bail. Failure to take such antecedents into consideration, where they bear upon the assessment of the likelihood of repetition of criminal conduct, interference with the course of justice or intimidation of witnesses, renders the exercise of discretion vulnerable to interference by the courts. This Court in **Ash Mohammad v. Shiv Raj Singh & Anr.**¹⁴, underscored that the criminal antecedents of an accused are a relevant consideration while deciding an application for bail and observed as follows:-

“30. We may usefully state that when the citizens are scared to lead a peaceful life and this kind of offences usher in an impediment in establishment of orderly society, the duty of the court becomes more

¹⁴ (2012) 9 SCC 446.

pronounced and the burden is heavy. There should have been proper analysis of the criminal antecedents. Needless to say, imposition of conditions is subsequent to the order admitting an accused to bail. **The question should be posed whether the accused deserves to be enlarged on bail or not and only thereafter issue of imposing conditions would arise. We do not deny for a moment that period of custody is a relevant factor but simultaneously the totality of circumstances and the criminal antecedents are also to be weighed. They are to be weighed in the scale of collective cry and desire. The societal concern has to be kept in view in juxtaposition of individual liberty.** Regard being had to the said parameter we are inclined to think that the social concern in the case at hand deserves to be given priority over lifting the restriction on liberty of the accused.”

(Emphasis Supplied)

60. In the present case, the Courts below have failed to accord due consideration to the criminal antecedents of accused respondents, in particular respondent No.1-Ramesh, against whom 18 criminal cases are stated to have been registered, including cases involving serious offences punishable under Sections 302 and 307 of the Indian Penal Code, 1860. Such antecedents were a material circumstance bearing upon the exercise of discretion in the matter

of bail and could not have been brushed aside without due consideration.

61. We are conscious that respondent No.1-Ramesh has secured acquittal/discharge in 16 criminal proceedings. At the same time, the nature of the allegations levelled against him and the overall circumstances in which his involvement has been alleged cannot be lost sight of. The apprehension that the influence exercised by him may have had a bearing upon the course of such trials cannot be wholly ruled out. This circumstance assumes vital importance in the present case, particularly when material witnesses are required to testify against him.

62. Furthermore, this Court cannot lose sight of the statutory consequences contemplated under Section 13(1)(a) of the MMCA, 1949, which provides for removal of a Councilor from office upon his being found guilty of misconduct in the discharge of his duties or of any disgraceful conduct during his current term or the immediately preceding term of office. The statutory consequences that may ensue from the conduct attributed to respondent No.1-Ramesh constitute a relevant circumstance which

cannot be divorced from the overall consideration of the case.

63. The respondent No.1-Ramesh continued to remain admitted in the prison ward of the District Civil Hospital, Thane, throughout his police custody remand from 10th to 13th July, 2026 and thereafter during his judicial custody, thereby substantially avoiding confinement in prison. Significantly, immediately upon issuance of the release memo pursuant to the order granting bail on 15th July, 2026, he sought discharge from the hospital. The aforesaid conduct, viewed in its entirety, raises a serious concern regarding the manner in which the influence attached to his position was utilised to circumvent the effective operation of the custodial process.

64. The order granting bail to respondent Nos. 2 to 4 proceeds substantially on the principle of parity with respondent No.1-Ramesh. Once the very foundation upon which respondent No.1-Ramesh was granted the indulgence of bail is found to be unsustainable, respondent Nos.2 to 4 cannot claim an independent entitlement to the same relief merely on the ground of parity.

65. We also find that the High Court while restoring the order(s) granting bail to respondent Nos.1 to 4, though subject to conditions, did not accord due consideration to the wider impact of the conduct attributed to respondent Nos.1 to 4 upon the medical fraternity.

66. The material on record indicates that the incident had caused such fear and apprehension amongst the victim doctors that they were constrained to tender their resignations. This circumstance was not merely incidental to the individual allegations; it was directly relevant to the apprehension of intimidation and the ability of medical professionals to discharge their duties without fear or insecurity. The effect of the prejudicial conduct of the accused upon the functioning of the healthcare institution and the confidence of medical professionals, therefore, warranted due consideration while exercising discretion in the matter of bail.

67. This Court is further of the considered opinion that, notwithstanding that respondent Nos.1 to 4 are currently in judicial custody, the facts and circumstances of the case warrant an evaluation by

the State Government, in accordance with law, as to whether the provisions of the applicable preventive detention laws are attracted. The competent authority shall independently examine the matter on its own merits, having due regard to the statutory requirements governing preventive detention and the material circumstances bearing upon the necessity for such action, so as to instil a sense of security and confidence amongst the medical fraternity and to ensure that medical professionals are able to discharge their duties without fear or apprehension.

68. In view of the aforesaid, we find that the High Court erred in exercising its discretion in favour of respondent Nos.1 to 4. By ignoring material circumstances vital to the adjudication of bail, specifically the criminal antecedents of the respondents, the influence wielded by respondent No.1-Ramesh, and the profound impact of the offence on the medical fraternity, the civil servants and the society at large, the impugned order enlarging them on bail cannot be sustained.

69. We clarify that none of the observations made hereinabove shall be construed as according any sanction to members of the medical fraternity to

indulge in dereliction or negligence in the discharge of their duties. Any such instance, however, shall be dealt with strictly in accordance with law and the extant guidelines governing the same.

70. Before parting with the matter, we may note that the present incident cannot be viewed in isolation from the larger concern which arises when persons occupying elected office resort to force, intimidation or other extra-legal means in dealing with citizens or public functionaries. Instances of such conduct have been reported from different parts of the country. While each such incident must necessarily be examined on its own facts and in accordance with law, the recurrence of allegations involving elected representatives assuming, or seeking to assume, authority beyond that conferred by law is a matter which cannot be viewed with indifference. An elected office carries with it a corresponding obligation to respect the rule of law and the institutions through which grievances are to be addressed. The authority derived from the electoral mandate cannot be permitted to become a substitute for the authority of law. No person, howsoever high the office held, can claim supremacy

over the discipline of law. The legitimacy of public authority ultimately rests not upon the power to command, but upon the obligation to remain within the bounds of law and serve the nation. It is this distinction that must remain inviolable in a constitutional democracy.

CONCLUSION

71. As an upshot of the aforesaid discussion, we are of the considered view that the present case warrants exercise of the extraordinary jurisdiction of this Court under Article 136 of the Constitution of India. The impugned order, accordingly, cannot be sustained and is hereby set aside insofar it restores the order(s) granting bail to respondent Nos.1 to 4, subject to the conditions stipulated therein.

72. Consequently, the bail granted to respondent Nos.1 to 4 stands cancelled. The respondent Nos.1 to 4 shall surrender before the trial Court concerned before 5th October, 2026, failing which the trial Court concerned shall be at liberty to cancel their bail bonds and take all necessary steps, in accordance with law, to secure their custody for the remainder of the trial. It is, however, clarified that in the event of any material change in circumstances, respondent

Nos.1 to 4 would be at liberty to renew their prayer for bail before the appropriate forum, in accordance with law.

73. The directions issued by the High Court in paragraphs 9 to 13 of the impugned order shall remain undisturbed, save and except the direction requiring the trial Court to conclude the trial within three months from the date of framing of charges. We direct the Special Fast Track Court, constituted pursuant to the directions of the High Court, shall endeavour to conclude the trial as expeditiously as possible and, in any event, not later than six months from the date of presentation of the present order.

74. We also direct the prosecution to carefully assess the list of witnesses proposed to be examined and, wherever permissible in law, to curtail or dispense with the examination of such witnesses whose evidence may not be essential for the just adjudication of the case, so as to ensure that the trial proceeds expeditiously without compromising the fairness of the proceedings.

75. In the overall factual matrix of the present case, and having regard to the fact that the prosecution case rests substantially upon the testimony of

doctors and hospital staff, we direct the trial Court concerned to ensure that all material witnesses are afforded adequate protection throughout the trial. The trial Court shall, in terms of Section 9 of the Maharashtra Witness Protection and Security Act, 2017, and the law laid down by this Court in ***Mahender Chawla & Ors. v. Union of India & Ors.***¹⁵, remain vigilant to any apprehension of threat, intimidation or coercion and, wherever the circumstances so warrant, pass appropriate orders directing the District Administration/Superintendent of Police to extend requisite protective measures, so as to ensure that the witnesses are able to depose freely and without fear or external influence.

76. The appeal is allowed in the above terms.

77. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

**NEW DELHI;
SEPTEMBER 28, 2026.**

¹⁵ (2019) 14 SCC 615

ITEM NO.5

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 16674/2026

[Arising out of impugned final judgment and order dated 07-08-2026 in SMWP No. 1/2026 passed by the High Court of Judicature at Bombay]

STATE OF MAHARASHTRA

Petitioner(s)

VERSUS

RAMESH SUKRYA MHATRE & ORS.

Respondent(s)

IA No. 267987/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 267990/2026 - EXEMPTION FROM FILING O.T.

Date : 28-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
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For Respondent(s) :Mr. Siddharth Dave, Sr. Adv.
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Mr. Anudatt Dubey, Adv.
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Mr. Vikas Bansal, Adv.
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 Mr. Harsh Chauhan, Adv.
 Mr. Rithvik Mathur, Adv.
 Mr. Rishabh Yadav, Adv.
 Ms. Priyanka Bhatt, Adv.

R.No.8 Mr. Sandeep Sudhakar Deshmukh, AOR
 Mr. Nishant Sharma, Adv.
 Mr. Ankur Savadikar, Adv.
 Mr. Kartik Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in the terms of the signed
reportable order.

Pending application(s), if any, shall stand
disposed of.

(NEETU KHAJURIA)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR

(Signed reportable order is placed on the file.)