

Court No. - 71

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 12247 of 2023

Applicant :- Smt. Suman @ Savita Satija (As Mentioned In Fir)
Dr. Suman (Real Name)

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Vinod Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

1. Heard Mr. Vinod Singh, learned counsel for the applicant and learned Additional Government Advocate for the State.

2. This anticipatory bail application (under section 438 Cr.P.C.) has been moved seeking anticipatory bail in Case Crime No.177 of 2023, under Sections 3A, 3B, 4, 4(1), 4(5), 5(2), 5, 6, 18, 18(1), 23, 25, 27, 29, 3(1)A, 3(3)A, 9, 10 and 18 of Pre Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act 1994 and SCC 34 of Indian Medical Council Act and Sections 186, 201, 332, 420, 120-B and 506 IPC, Police Station Bahadurgarh, District Hapur.

3. Learned counsel for the applicant submits that the applicant is a BAMS (Bachelor of Ayurvedi Medicine and Surgery) doctor and practicing medical treatment since 1991 and is a registered doctor at Delhi Bhatiya Chkitsa Parishad. The applicant is running a medical clinic in name & style of Vriti Clinic at Dabua Colony Faridabad, Haryana. On the fateful day, the complaint Anita, who was pregnant approached her for pre-natal treatment and was referred by the applicant for ultrasound to diagnose growth of fetus. The said Anita insisted the applicant for sex determination of fetus and told she has already three girl child, hence, she cannot take risk but the applicant out-rightly refused to do so and upon refusal she met with accused Bhola Shankar @ Ravi, who is assistant at the ultrasound centre of Dr. Praveen Bhatia and offered handsome money, who had made deal to get the sex determination done. The applicant has no role to play in said deal and nor had taken any money from anybody in lieu of sex determination of unborn child. He further submits that the applicant was never present at any point of time of commission of alleged offence. The name of the applicant is whispered by said

decoy Anita as she is being inimical to the applicant on her refusal to get the sex determination of fetus. He further submits that prima facie no offence is made out against the applicant. All the offences are punishable below seven years. The applicant is having no previous criminal history.

4. On the other hand, learned AGA opposed the prayer for grant of anticipatory to the applicant and has submitted that the complainant/informant has fully supported the prosecution story. There is also a transaction of money in the account of the applicant. The allegations are very serious, hence, the applicant is not entitled for grant of bail.

5. From the bare perusal of the material available on record and looking into the facts of the case, at this stage, it cannot be said that no offence is made out against the applicant.

6. After having very carefully examined, the submissions made by the learned counsel for the applicant and perused the material brought on record, there is no justification for granting anticipatory bail to the applicant. Accordingly, the prayer for grant of anticipatory bail is hereby refused.

7. Accordingly, the instant applicant is accordingly **dismissed**.

8. At this stage, learned counsel for the applicant submitted that the applicant may be permitted to move bail application before the court below and the court below may also be directed to consider the bail application of the applicant in the light of law laid down in the case of *Satender Kumar Antil vs. Central Bureau of Investigation and another*, 2021 SCC Online SC 922.

9. Considering the facts and circumstances of the case, it is directed that in case the applicant appears before the court below and seeks grant of regular bail, his application shall be heard and decided, expeditiously, if possible, in view of the judgment in the case *Satender Kumar Antil*.

Order Date :- 28.11.2023

Ajeet