

**Court No. - 8**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 1658 of 2023

**Applicant :-** Dileep Kumar Maurya

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home, Lko.

**Counsel for Applicant :-** Madhulika Yadav, Savita Kumari

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Kumar Singh, J.**

1. Heard learned counsel for the accused-applicant as well as Dr. Surendra Singh, learned A.G.A. and perused the record.

2. This is the third bail application. First and second bail applications got rejected by this Court vide orders dated 10.2.2021 and 19.8.2021 passed in Criminal Mic. Bail Application Nos.1782 of 2021 and 5195 of 2021 respectively.

3. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.1731 of 2017, under Sections 304, 419, 420, 467, 468, 471 IPC and Section 15(2) of Indian Medical Act, Police Station Kotwali Sadar, District Kheri.

4. This Court while rejecting the second bail application of the accused-applicant, passed the following order:-

*“1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.*

*2. This second bail application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.1731 of 2017, under Sections 304, 419, 420, 467, 468, 471 IPC and Section 15(2) Indian Medical Act, 1956, Police Station Kotwali Sadar, District Kheri.*

*3. First bail application was dismissed by this Court vide order dated 10.2.2021.*

*4. FIR in question came to be registered on an application filed under Section 156(3) Cr.P.C. by the complainant. Wife of the complainant, Sunita was expecting. There was no other female member in the family and, therefore, the complainant sent his wife to his in-laws place for delivery. On 18.6.2017 at around 10 AM, wife of the complainant started labour pains. Asha Bahu of the village was called for taking Sunita to the hospital. Asha Bahu told the mother-in-law of the complainant that treatment in Primary Health Center would not be proper and she would get Sunita admitted in good hospital. Wife of the complainant was brought to Lakhimpur Kheri and Asha Bahu told him to get her admitted in the Nursing Home and paid Rs.25,000/-, the fee*

in advance. The delivery was conducted through cesarean process by untrained and unqualified doctor, which caused the death of the child as well as the mother. Staff of the hospital told the complainant to take the child and the mother to some other hospital in Lucknow, then the complainant brought his wife and newly born child to the District Hospital, where they examined and doctors found that they had already died one hour before.

5. During the course of investigation, it was found that D.K. Maurya (Dileep Kumar Maurya), the present accused-applicant had taken one portion of the building on the ground floor from Pramod Chowdhary on rent of Rs.35,000/- per month and opened the hospital and trauma center in the name of "Matru Bhoomi Hospital and Trauma Center". The said hospital and the trauma center was run by the present accused-applicant and Dr. Jyoti Verma. When it came to the notice of the Chief Medical Officer, Lakhimpur Kheri that the cesarean deliveries were being conducted in the said hospital and trauma center by unqualified doctors, its registration was cancelled. After few days, the present accused-applicant and Dr. Jyoti Verma got the registration of the hospital in the name of Krishna Hospital and they would bribe Asha Bahu of the district and pay Rs.1,000-2,000/- for bringing the patients for delivery and, Dr. Jyoti Verma would conduct the cesarean operations. It was said that the deceased, Sunita was brought by Asha Bahu to the Krishna Hospital and during the cesarean operation, both mother and the child died. When this fact came to the notice of Pramod Chowdhary, owner of the building, he cancelled the lease deed in favour of the accused-applicant. Thereafter, the present accused-applicant got new hospital opened in the name of Krishna Hospital near Block Gotaiyya Bagh Gola Road, Lakhimpur Kheri.

6. First bail application of the accused-applicant was dismissed by this Court considering all the facts and circumstances of the case, heinousness of offence, impact on society as well as serious allegations against the accused-applicant and the evidence against the accused-applicant. There is no change in any of the circumstance, which has been considered by this Court while rejecting the first bail application of the accused-applicant.

7. I do not find any force in the submissions of the learned counsel for the accused-applicant to enlarge the accused-applicant on bail.

8. Thus, the second bail application being without any merit and substance, is rejected."

5. There is no changed circumstance, which warrant this Court to enlarge the accused-applicant on bail.

6. Third bail application is accordingly **rejected**.

**Order Date :- 12.7.2023**

Rao/-