NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 305 of 2017

Momprabha Thakur Wife of Dr. Dumeshwar Singh Thakur, aged about 30 years, R/o Singodi, Taraii, Narayanpur, District Narayanpur (CG).

-----Applicant

Versus

State of Chhattisgarh Through Police Station, Narayanpur, District Narayanpur (CG).

---- Respondent

For Applicant : Shri Shobhit Kosta, Advocate.
For Respondent : Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/05/2017

1. The applicant has filed this application for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No.110 of 2016 registered at Police Station Narayanpur, for the offence punishable under Sections 4 and 5 (3) of Medical Termination of Pregnancy Act, 1971, Section 12A(2) of CG State Upcharyagriha Tatha Anugyapan Adhiniyam, 2010 and Section 312/34 IPC.
2. The allegation against the applicant is that the Husband of the applicant has been performing termination of pregnancy from the Hospital which was being run by the applicant. Learned counsel appearing for the applicant submits that co-accused i.e. her husband namely Dr. Dumeshwar Singh Thakur was performing the said termination of pregnancy from the clinic owned by the applicant. The said doctor i.e. Dr. Dumeshwar Singh Thakur has already been granted anticipatory bail by this court in MCRC(A) No.1181 of 2016 vide order dated 17.02.2017. Counsel for the applicant submits that the main accused i.e. the Husband of the applicant who has infact performed those act has already been granted anticipatory bail by

this court and that there is no offence as such lodged against the present applicant except for being the owner of the said hospital.

3. State counsel does not dispute the above submissions made by the counsel for the applicant.
4. Considering the total facts and circumstances of the case more particularly the order passed in MCRC(A) No.1181 of 2016 whereby the anticipatory bail has been granted to the main accused i.e. the Husband of the applicant who was performing the termination of pregnancy, this court is of the view that present case is on the better footing to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:

    1. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
    2. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
    3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
    4. The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

5. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder