

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 1411 of 2016

Santosh Kumar Shrivastav (Dr. Santosh Kumar Shrivastav) S/o late Shri Sambhu Lal Shrivastav, aged about 43 years, R/o Village Bawankera, Thana Patewa, Tahsil Mahasamund, District Mahasamund, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Thana Patewa,
District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vinay Pandey, Advocate
For Respondent State	:	Shri Ashish Surana, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

03/05/2017

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No.224/2016 registered at P.S. Patewa, District Mahasamund (CG) for the offence punishable under Sections 4 (A) & 12 (2) of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Section 1 of the Chhattisgarh State Upacharyagriha Tatha Rogopchar Sambandhi Sthapanaya Anugyapan Adhiniyam, 2010, Section 18, 22, 23 (3) of the Chhattisgarh Ayurvedic Science Adhiniyam, 1987 and Section 420 of IPC.

The allegation against the applicant is that he is neither medically qualified nor has he proper licence from the competent statutory authority to perform the pre-natal diagnosis nor has he proper licence to prescribe

treatment except under Homeopathic system of medical practice. A perusal of the case diary would reveal that the prosecution, during the course of investigation, has collected large amount of documents in respect of the treatments that have been rendered to various persons from the clinic of the applicant and the prescriptions prescribed by the applicant. Thus, prima facie, there appears to be some strong allegations against the applicant dis-entitling him the benefit under Section 438 of CrPC.

Accordingly, the instant application filed under Section 438 Cr.P.C. stands rejected.

Sd/-

(P. Sam Koshy)
Judge