

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1651 of 2018

- Dr. Kumari Bandana W/o Dr. Shyambabu Choudhary Aged About 43 Years R/o Vasant Vihar Colony, Qr. No. C/ 122, SECL Seepat Road, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Maharastra Through Station House Officer, Police Station- Aagripada, Thane, Mumbai, Maharashtra., District : Mumbai, Maharashtra

---- Non-applicant

For Applicant – Ms. Naushina Afrin Ali, Advocate.

For State – Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-12-2018

1. Heard on the application under Section 438 of the Cr.P.C. for grant of transit bail.
2. It is submitted that the applicant is apprehending arrest in connection with Crime No.253/2018, registered at Police Station Aagripada, Thane, Mumbai, Maharashtra, for offence punishable under Section 420, 465, 467, 468, 471 and 34 of the IPC.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a qualified physician/doctor, is practicing medicine and posted as Physician as Govt. Doctor in District Hospital, Bilaspur. The applicant has passed the required examination and has certificate on which basis she has got recognition from the Medical Council of India. A totally false allegation has been made against her, that without passing examination for diploma in Gynaecology and Obstetrics, she is working in the same capacity. This applicant was not though successful in first attempt to pass the examination, but she has passed the examination in second attempt. The Maharashtra Medical Council has not

been informed about this fact. The applicant has received notice from the concerned police station asking her to give appearance and present documents for verification. Because of the apprehension of arrest the applicant is unable to go there and give her appearance, therefore, it is prayed that she may be granted transit anticipatory bail.

4. Learned counsel for the State opposes the application submitting that this Court has no jurisdiction to grant transit anticipatory bail to the applicant.

5. Heard learned counsel for the parties present and perused the documents attached with the application.

6. After perusal of the documents present on record, it appears that the applicant should be given an opportunity to submit her explanation and present herself in the enquiry before the Investigating Officer. Although the jurisdiction lies with the Courts in Maharashtra to grant bail regular or anticipatory to the applicant, even though the transit anticipatory bail is not prohibited under the law. Therefore, I feel inclined to allow this application.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of this applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. This order shall remain effective for eight weeks.

8. Certified copy tomorrow.

Sd/-
(Rajendra Chandra Singh Samant)
Judge