

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7588 of 2019**

- Smt. Shanu Masih W/o Shri Sudesh Masih, Aged About 47 Years R/o Vijeta Complex Rajendra Nagar, P.S. Tikrapara, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station P.S. City Kotwali, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Mahesh Gahlot, Advocate.

For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.12.2019**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 23.01.2019 in MCRC No. 10051 of 2018 and the second bail application of the applicant has been rejected by this Court on 22.07.2019 in MCRC No. 3865 of 2019 considering the prima facie case against the applicant.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 326/2018 registered at Police Station – City Kotwali Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Sections 15, 3 of the Medical Council Act.
4. Case of the prosecution, in brief is that complainant Dr. Punendra Saxena is a doctor and his registration No. is CG/MC/1030/2007. Applicant is running a village hospital at Pujari Chowk, Raipur. On the board of said hospital

Registration No. 1030 was mentioned. As per the letter of the Registrar, Chhattisgarh Medical Council, Raipur applicant is not registered in Chhattisgarh Medical Council. Her degree is not recognized by Union of India, she cannot do medical practice in Chhattisgarh.

5. Counsel for the applicant argued that alleged flex was not seized and not produced. He drew my attention on the copy of application of A.D.P.O. which is part of the bail application. He also drew my attention on paras 9 and 11 of the statement of P.W. No. 1 Dr. Punendra Saxena. He further submitted that applicant is in jail since 19.09.2018, thus, she may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submits that one another criminal case was registered against her. He further submits that alleged flex was seized.
7. This is well settled legal position that while dealing with the bail application Court neither can scrutinize the evidence nor appreciate the same. This is also well settled legal position that while dealing with the bail application Court cannot touch the merits and demerits of the case. As per the alleged seizure memo dated 24.09.2018 alleged flex was seized from the place of occurrence.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in third round of litigation, consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE