

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 625 of 2020**

- Dr. Mahesh Kumar Shrivastava S/o Late Shri Vishnu Prasad Shrivastava Aged About 83 Years R/o Near Mahavir Mandir, Mahavir Para, Gandhi Ward, Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Rajeev Shrivastava, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****25/06/2020**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 214/2020 registered at Police Station Dongargarh, District – Rajnandgaon, (C.G.) for the offence punishable under Section 354 of I.P.C.
2. According to case of the prosecution, prosecutrix was undergoing treatment of skin disease at Maa Bamleshwari Trust Hospital, Dongargarh for the last two years. On 27.5.2020, prosecutrix went to Hospital for her treatment and as Dr. Bhardwaj was not there, so, she was referred to the applicant, who was also rendering service at the

hospital. It is alleged that applicant examined the prosecutrix in a way which amounts to outraging her modesty. Report was made by the prosecutrix/complainant on 27.5.2020 and on the basis of the said offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to some dispute. He further submits that applicant is a reputed Doctor, aged about 83 years. Applicant is an old person suffering from heart disease, hyper-tension, blood pressure and diabetes. It is further submitted that no custodial interrogation is required. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the age of the present applicant, also, he is suffering from various diseases and it seems that no custodial interrogation is required, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent

surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge