

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.470 OF 2020

Dr.Shailaja Maruti Pachpute Applicant

versus

State of Maharashtra Respondent

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- Mr.M.K. Kocharekar i/b. Aslam Malik, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.353/2019 registered with Shivaji Nagar Police Station, under sections 420, 315, 511 r/w 34 of the Indian Penal Code. Now section 328 of IPC is also added.
2. Heard Mr.M.K. Kocharekar, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.
3. The FIR is lodged by an advocate who was also a social worker. She received an information through her assistant that

at Charu Hospital, Govandi, some illegal activities were conducted, where sex of the foetus was determined and some times medical termination of pregnancy procedure was also carried out unauthorisedly. The informant then tried to find out the truth. She gave directions to her assistant to verify this information. He called on the phone number of that clinic. He was told that for the entire process, fees were Rs.1,20,000/-. The transaction was fixed for Rs.1,00,000/- and advance was fixed for Rs.50,000/-. On 07/07/2019 the informant's assistant went there. He met a lady and a man. They introduced themselves as Dr.Shama and Dr.Rohit. The assistant had carried currency notes. The numbers were noted by the informant. The assistant was directed to take video recording while he handed over notes. Accordingly video recording was carried out. On this allegations, the FIR was lodged.

4. Investigation was carried out. Charge-sheet was filed against those two persons namely Rohit and Shama and investigation revealed that neither of them was a doctor.

5. Learned Counsel for the Applicant submitted that the Applicant had given some portion of her clinic on rent to the main accused Rohit and Shama. The Applicant has nothing to do with their activities. She genuinely believed that they were doctors. He conceded that the Applicant should have been more diligent regarding the representation made by the two accused to allow them to conduct that clinic. He submitted that the Applicant was not shown as an accused initially. But she was roped in only in January 2020. He submitted that the Applicant is a lady. She is a doctor and therefore her custodial interrogation for the act committed by co-accused is not necessary.
6. Learned APP opposed this application. He submitted it is hard to believe that without verifying credentials of the main accused, the Applicant would have given her clinic on rent to them. This shows her complicity in the offence. He however conceded that the investigating agency did not come across any victim or any person who had undergone procedure of MTP or sex determination test.

7. I have considered these submissions. It is very significant that the investigation was carried out thoroughly. But the police did not find a single person who had undergone such procedure. In any case, these allegations are against the co-accused Rohit and Shama. The Applicant's role is only to the extent that she had given her place on rent to both these main accused. The offence was registered in July 2019. The Applicant was added as an accused in January 2020. Therefore in this background custodial interrogation of the Applicant at this stage is not necessary. Instead, she can be directed to attend the office of investigating agency and can be directed to cooperate with the investigation. The Applicant is a lady doctor and is still practising. As per submissions of learned counsel, she has helped patients during the spread of Covid-19 pandemic also. Taking into account these factors, the Applicant can be protected by way of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.353/2019 registered with Shivaji Nagar Police Station, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station 05/04/2021, 06/04/2021 and 07/04/2021 between 01.00 to 05.00 p.m. and shall cooperate with the investigation.
- (iii) In addition, the Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)