

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

ANTICIPATORY BAIL APPLICATION NO. 1772 OF 2021

Bipin Sarju Yadav	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Datta Mane for Applicant.

Smt. Anamika Malhotra, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.172 of 2021 registered at Tilak Nagar Police Station, Mumbai, under sections 419, 465, 468 and 471 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Datta Mane, learned counsel for the applicant and Smt. Anamika Malhotra, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Ratnesh Singh on 26/04/2021. The F.I.R. basically gives history of his matrimonial dispute with his wife. He has

described how they got in touch with each other, how their relationship was troubled even before the marriage and how they were facing difficulties in his wife's conceiving. The F.I.R. mentions that they had undergone various tests. The informant had also undergone various tests for fertility. In December 2019 the informant was told by his wife that she was pregnant. The informant discussed about her health issues with her doctor who told him that the informant's wife had become pregnant through IVF procedure. According to the first informant he was never told about this procedure and he had never consented for this procedure. The informant met that doctor in the hospital at Ghatkopar. He saw the documents about IVF procedure. He found that the signature on the consent form for IVF procedure was made by the present applicant. Therefore, besides his own wife, the informant also lodged F.I.R. against the present applicant.

4. Learned counsel for the applicant submitted that the applicant has nothing to do with the matrimonial dispute between the informant and his wife. His role is very minor. In fact, he tried to help the informant's wife in her urgent necessity. He had not

gained anything from this incident. He is needlessly dragged into the controversy of the informant and his wife. He submitted that the applicant was working in the same hospital as that of the informant's wife and therefore he was knowing her. The informant's wife was a Gynecologist. She herself was taking a treatment. The applicant put his signature on the consent form of IVF procedure on the representation of informant's wife that informant was aware of the same and that procedure had to be performed on an urgent basis. He submitted that, it was not possible that the informant would have not known about this procedure. The F.I.R. itself shows that he had co-operated in undergoing tests. Shri. Mane submitted that, only on humanitarian ground to see to it that the procedure was completed within time, the applicant had put his signature and suddenly he is roped in, in the present offence.

5. Learned APP opposed this application based on the allegations made in the F.I.R. She submitted that the informant was cheated and he was not made aware of this important issue of his wife becoming pregnant through IVF procedure.

6. I have considered these submissions. The role of the present applicant thus appear to be a side issue. The main dispute was between the informant and his wife. There is some substance in the submission of Shri. Mane that, because of urgency in the procedure the informant's wife would have told the applicant to sign on the consent form, which according to the applicant was merely a formality. He did not gain anything from putting his signature and only on the humanitarian ground he had signed that consent form. There is no question that the applicant had any intention to cheat the informant. The matter was strictly between the informant and his wife. The informant's wife herself was a Gynecologist. She was very well aware of the procedure and the formalities. The applicant has already given his specimen signatures. His custodial interrogation will not reveal anything further than what is alleged in the F.I.R. In this view of the matter and in the background of these allegations, the applicant can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.172 of 2021 registered at Tilak Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P. R. 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 as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)