

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1580 of 2022

Dr.Pramod Raghunath Bhogawkar .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents
...

Mr. Ayush Pasbola with Mr.Siddharth Mehta for the applicant.
Mr.S.H.Yadav, APP for the State.
IO Smt.G.M. Gharke from Badlapur police station present.

CORAM: BHARATI DANGRE, J.
DATED : 20th JUNE, 2022

P.C:-

1 Section 21 of the POCSO Act prescribe punishment for failure to report a case under the Act and such an offence is punishable with Imprisonment for either description which may extend to six months or with fine or both.

2 A person who is in-charge of an institution would suffer a punishment for Imprisonment for a term which may extend to one year or with fine. The present applicant face an accusation u/s.21 in C.R.No.89/2022 registered with Badlapur (West) Police Station. The victim girl, on 30/4/2022, got her scanning done from Om Scanning Centre, on reference of Dr. Madhukar Dalvi and was found to be carrying pregnancy of 13

weeks 5 days. The said Centre reported the matter to Badlapur police station on 30/4/2022.

3 The victim girl along with her parents approached the applicant on 2/5/2022, who run Akshayya Nursing Home, and the girl was stated to be aged 18. Though the learned counsel for the applicant would vehemently submit that the girl was reported to be major, the applicant had no reason to suspect her, and therefore, the whole procedure was planned assumed that she is major. The learned counsel may not be right in submitting so, since if the documents of his own hospital are perused, the medical transcription dated 2/5/2022 record the age of the girl as 16 years and reference is made to the Ultra Sonography 13 weeks 5 days, with an unsuccessful termination of pregnancy two days back.

It was incumbent upon the applicant to report the matter to the concerned police station as was done by Dr.Pranav Satbhai from Om Scanning Centre, but the applicant carried out the procedure and discharged the girl on 3/5/2022, whereas the FIR came to be registered on 4/5/2022.

Harping on an impression that since the pregnancy of a minor girl was already being known to the Badlapur police station on the scanning being effected, there was no reporting by the present applicant. Whether this can be accepted as a defence, which would justify the omission on his part, to be a matter of

trial. In any case, since the matter was also reported to Badlapur police station, and prima facie, it can be seen that on the consent form, the parents have given the age of the victim girl as 18 years, the applicant can be prima facie trusted, to state that on that counts, he did not deem it necessary to report. The offence is punishable for a maximum of Imprisonment which may extend to six months or one year under sub-section (2) of Section 21 or with fine. The applicant is a Doctor, running a Nursing Home and is expected to be aware of the duty cast upon him. The custodial interrogation is not warranted. He is however, expected to report with the Investigating Officer. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Dr.Pramod Raghunath Bhogwakar in connection of C.R.No.89/2022 registered with Badlapur West police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(c) The Applicant shall report to the police station from 22/6/2022 to 24/6/2022 make himself available as and when required by the Investigating Officer.

4. The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)