

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail No. 3895/2018

Sanjay Singh S/o Raj Singh Rajput B/c Rajput, R/o Jaitwarpur Payawali, Police Station, Jarcha, Distt. Gautam Budh Nagar, Utter Pradesh Presently Sanchalak Kumar Diagonstic Centre And Munni Devi Ultra Sound Centre Bistrakh Road, Haldoni, Grater Noida, Distt. Gautam Budh Nagar, Utter Pradesh. (At Present Confined In Distt. Jail, Dausa Raj.)



-----Petitioner

Versus

State Of Rajasthan Through P.p.

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail No. 3896/2018

Babulal S/o Shri Roshanlal Meghwal, B/c Meghwal, R/o Ward No.12, Sardar Patel Pathshala, Tijara District Alwar. At present in Sub Jail, Kishangarhbas.

-----Petitioner

Versus

State Of Rajasthan Through Pp

-----Respondent

S.B. Criminal Miscellaneous Bail No. 4317/2018

Sushma Yadav W/o Vijendra Yadav, R/o Gaon Sherpur, Police Station-Kotankasim, District Alwar, Presently residing at Infront of Sushma Lab Rajkiya Hospital, Tijara, District Alwar (Raj.)

-----Petitioner

Versus

State Of Rajasthan Through Pp

-----Respondent

For Petitioner(s) : Mr. Naresh Kumar Singhal
Mr. Harendra Singh
Mr. Rajendra Singh Tanwar
For Respondent(s) : Mr. G.S. Gill, AAG with Mr. Sudesh
Saini, PP
Investigating Officer : Mr. Arun Choudhary, CI, P.S. PBI,
Jaipur

HON'BLE MR. JUSTICE PANKAJ BHANDARI**Judgment / Order****24/04/2018**

1. Petitioners have filed these bail applications under Section 439 of Cr.P.C.

2. F.I.R. No.12/2018 was registered at Police Station PBI, Jaipur for offence under Sections 4, 5, 6, 23, 25 of PCPNDT Act, 1994 and Rules 4, 9, 10 of PCPNDT Act, 1996 and under Section 315/511, 120-B of I.P.C.

It is contended by counsel for the petitioners that petitioner-Sanjay Singh was not arrested from the spot. He was the Manager of the diagnostic center and was not a sonologist.

4. Counsel for Babulal has contended that he was the driver of the vehicle in which the pregnant woman was carried.

5. Counsel for Sushma Yadav has contended that she went to the diagnostic center at the behest of Nurdeen.

6. It is contended that the offences are triable by First Class Magistrate. Petitioners are in custody and are not required for further investigation. It is also contended that the notification issued by the state Government as per which, the territorial jurisdiction of the PCPNDT Bureau of Investigation is situated to the State of Rajasthan.

7. Learned Public Prosecutor has opposed these bail applications. His contention is that the matter is still at the stage of investigation. Petitioner Sanjay Singh is the main accused who has conducted the sonography and intimidated the patient that she



was carrying a girl child. It is also contended that money was paid in the State of Rajasthan and the offence being continuing offence, PCPNDT Bureau of Investigation can conduct raid in adjoining States also.

8. Reliance has been placed on judgment S.B. Criminal Misc. Petition No.1439/2017 "Dr. Umesh Sharma Vs. State Of



Rajasthan & Anr.", wherein, the Court has observed that if offence is partly committed within the local area of State of Rajasthan, clause (b) of Section 178 Cr.P.C. is attracted and the argument that the bureau has no jurisdiction cannot be accepted.

I have considered the contentions.

10. Taking note of the fact that there is specific allegation against petitioner-Sanjay Singh of taking money for sex determination as also the fact that the matter is still at the stage of investigation, I am not inclined to allow the bail application of Sanjay Singh.

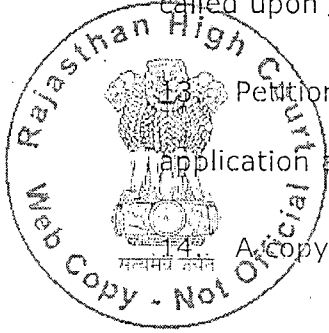
11. As far as petitioner-Babulal and Sushma Yadav are concerned, Babulal is the driver of the vehicle and Sushma Yadav went at the behest of Nurdeen, took the pregnant woman to Sanjay Singh and also taking note of the fact that Sushma Yadav is a female, I deem it proper to allow the bail applications of Babulal and Sushma Yadav.

12. Bail applications of Babulal and Sushma Yadav are accordingly allowed and that of Sanjay Singh is, accordingly, rejected and it is directed that accused petitioners-Babulal and Sushma Yadav shall be released on bail provided each of them

furnishes a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the satisfaction of the learned trial court with the stipulation that they shall appear before that Court and any court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

13. Petitioner-Sanjay Singh would be free to move fresh bail application after filing of the charge-sheet.

14. A copy of this order be placed in connected files.



(PANKAJ BHANDARI),J