

19/12/14  
25/8/14

कॉपी ऑफ ऑर्डर डेटेड.....

16/9/14

IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JARIPUR BENCH JAIPUR

S.B. CRIMINAL MISC. BAIL APPL. NO. 9396/2014

Dr. Yogesh Kumar S/o Shri Bharatlal, by  
caste Vaish, aged about 37 years, R/o WZ-  
52, Beriwalla Bag, Hari Nagar 64, New  
Delhi.

(At present confined in Central Jail,  
Jaipur)

.....Accused Petitioner

Versus

State of Rajasthan, through P.P.

.....Non Petitioner.

S.B. CRIMINAL MISC. BAIL  
APPLICATION UNDER SECTION 439 CR.  
P.C. IN THE CASE OF F.I.R. NO.  
02/2014 P.S. P.B.I. JAIPUR FOR  
THE OFFENCE PUNISHABLE UNDER  
SECTION 2 (D), 4 (3), 5(2), 6, 19

(2), 2 OF PCPNDT ACT AND UNDER  
RULE 4 (I) (II), 9 (1) (4), (6),



सही - प्रतिलिपि  
पंजीकृत न्यायाधीश  
राजस्थान उच्च न्यायालय, जयपुर

(10)

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JAIPUR BENCH, JAIPUR.**

**S.B. CRIMINAL MISC. BAIL APPLICATION NO.9396/2014.  
(Dr. Yogesh Kumar Vs. State of Raj.)**

**Date of Order: 16/09/2014**

**HON'BLE MRS. JUSTICE NISHA GUPTA, J.**

Mr Ritesh Tiwari with Mr LM Bhardwaj, for the petitioner.  
Mr Sudesh Saini, Public Prosecutor.  
Mr Madan Lal Sharma, SI, IO.

Heard the learned counsel for the petitioner and learned  
Public Prosecutor and Investigating Officer and perused the material  
on record.

The contention of the learned counsel for the petitioner  
is that the petitioner not committed any offence. He is innocent  
person and falsely implicated. On the spot Mahendra Singh has  
been apprehended and some paper slips have been recovered from  
him. The present petitioner has been implicated only on the ground  
that some unfilled Form 'F' were found there which bears the seal,  
stamp, name of the petitioner with initials. Silent tracker has been  
found on the Sonography Machine but the details of the same has  
not been taken on record. All the recoveries have been made from  
Mahendra Singh. The petitioner was not present at the spot, he is a  
practicing doctor and behind the bars from last 30 days. He has  
been registered under the Indian Medical Council and authorized to  
practice anywhere in India. Trial will take time, hence the  
petitioner be released on bail.

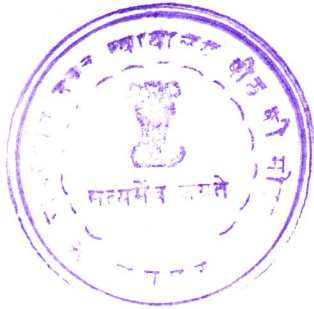
Per contra, the contention of the Public Prosecutor is  
that paper slips which have been recovered from Mahendra Singh  
bears the name of pregnant ladies and during investigation it was



10/11/14

READ WITH SECTION 23 OF PCPNDT  
 ACT AND IN THE MATTER OF ORDER  
 DATED 23.08.2014 PASSED SHRI  
 RAMAKANT SHARMA, R.H.J.S., THE  
 LEARNED ADDITIONAL SESSION JUDGE  
 NO. 6, JAIPUR METROPOLITAN,  
 JAIPUR HAS REJECTED THE BAIL  
 APPLICATION OF THE PETITIONER.

To,



सही - प्रतिलिपि  
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 प्रशासक निदेशिका अधिकारी  
 राजस्व एवं न्यायलय पीठ,  
 जायपुर

cm

foetus is safe whereas to some ladies 'minus' sign has been given and out of them it has been investigated that four ladies Suman, Priya, Sunita and Anita have aborted their child, from rest of the ladies, the investigation is still pending. The petitioner is a Government Doctor inspite of this he is registered at various places in Delhi, Jhunjhun etc. at 8 nursing homes and in Jhunjhunu he has also submitted a false affidavit. As per Section 2(m) of the PCPNDT Act, the petitioner was not authorised to practice in Rajasthan as his name has not entered in the State Medical Register. The petitioner is directly involved in the offence of determination of sex. Investigation is still proceeding, hence he should not be released on bail.

Without expressing any opinion on merits of the case but looking to the nature of allegations and role of the petitioner, it is not a fit case to release the petitioner on bail.

The bail application is dismissed.

*Ny*  
(NISHA GUPTA), J.

Gandhi. 23



सही - प्रतिलिपि  
32-14  
पशासक अधिकारी-14  
राजस्व विभाग, राजस्थान सरकार, जयपुर