

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4497 of 2015**

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JIGARKUMAR RATILAL PATEL & 3....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

MR. ASIM J PANDYA, ADVOCATE FOR MR SHIRISH R PATEL, ADVOCATE
for the Applicant(s) No. 1 - 4MR. L B DABHI, ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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**CORAM: HONOURABLE SMT. JUSTICE ABHILASHA
KUMARI****Date : 28/07/2015****ORAL ORDER**

1 Heard Mr. Asim J Pandya, learned advocate for Mr. Shirish R Patel, learned advocate for the petitioners and Mr. L B Dabhi, learned Additional Public Prosecutor, for respondent No.1-State of Gujarat.

2 It is submitted by the learned advocate for the petitioners that the deceased, who is the wife of applicant No.1 was working in the "Mamta Ghar" at Patdi Community Health Centre, on contract basis as a nurse. She has alleged that she was subjected to rape

by Dr. Mohak Yogeshbhai Mehta (the doctor) on 01.03.2015, and the First Information Report in this regard was registered on 02.03.2015, at Patdi Police Station. It is further submitted that applicant No.1, husband of the deceased, was also working at the same place as a Data Entry Operator. In the application for grant of anticipatory bail preferred by the doctor, the deceased filed an affidavit on 20.03.2015, contesting the said application and stating therein that she was being physically and mentally harassed and pressurized by the doctor who is a highly influential person who can tamper with the evidence, if granted anticipatory bail. In the said affidavit she has stated that due to the physical and mental torture meted out to her by the doctor, she had to leave Patdi and reside at her uncle-in-law's house at Ahmedabad, with her husband.

3 It is further submitted that after the grant of anticipatory bail to the doctor, the deceased filed an application for cancellation of the bail on 21.04.2015, stating that the doctor was a person in authority and the deceased was working under him and

thus, he had taken full advantage of his position and raped her. It is further stated that the doctor had high political contacts and good relations with the Police Officers of Patdi Police Station. When the deceased went to register the First Information Report at the said Police Station, she was harassed and pressurized not to file the First Information Report and was compelled to sit for about five to seven hours. It is further submitted that even after the lodging of the First Information Report, the deceased was forced to settle the case through her relatives and as the pressure continued for about three to four days, the deceased was forced to leave Patdi.

4 It is submitted by the learned counsel for the applicants that the husband of the deceased that is applicant No.1 also left Patdi along with the deceased and both were staying at Ahmedabad. That the father of the deceased has now filed the impugned First Information Report against the applicants, who are the husband, mother-in-law, father-in-law and sister-in-law of the deceased, on the ground that the deceased had disclosed to him on 25.03.2015, that the

applicants were pressurizing her to settle the dispute with the doctor who had offered Rs. Fifty Lakhs.

5 It is submitted that applicant No.1 has given an application dated 20.05.2015, to the Police Inspector, Sola Police Station, Ahmedabad, stating that an independent First Information Report may be registered against the doctor under Section 306 of the Indian Penal Code. However, till date, nothing further has been done in this regard.

6 It is further submitted that the incident which led the deceased to take the the extreme step, was the act of rape committed by the doctor, and the physical, mental and social pressure exerted by him upon her, which forced her to leave Patdi, where she was working.

7 It is further submitted that applicant No.1 also left Patdi along with his wife. He, and other family members have been supporting the deceased throughout. The present is a case where the main accused has been let off and the family members of the deceased, who

have always been supporting her, have been roped in.

8 It is submitted that the deceased has not left any suicide note. Had she been pressurized by the applicants, she would have done so, as she did not hesitate to place her stand before the Court by filing an affidavit and an application for cancellation of bail against the doctor.

9 It is contended that, when the deceased took the extreme step, the police was informed immediately by the applicants. The complainant was present at the funeral of the deceased, and did not blame the applicants at that point of time. He has filed the First Information Report three days after the death of the deceased.

10 Having heard the learned counsel for the applicants, it transpires that he has succeeded in making out a prima facie the case for the grant of interim relief.

11 Issue Notice, returnable on 27.08.2015. Mr. L B

Dabhi, learned Additional Public Prosecutor, waives service of notice, for respondent No.1-State of Gujarat.

12 Interim relief in terms of paragraph 8(c) is granted, till then.

(SMT. ABHILASHA KUMARI, J.)

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