

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. 61314/2021

Dr. Neha Padam V. Central Bureau of Investigation

Gwalior, Dated : 21.01.2022

Shri Brajesh Tyagi and Shri R.S. Yadav, Counsel for applicant.

Shri Praveen Newaskar, ASGI for CBI.

This present petition under Section 482 of Cr.P.C has been preferred by the petitioner seeking modification in the condition no. 7 of order dated 12.02.2021 passed in M.Cr.C. No. 4201/2021 while granting benefit of bail to the petitioner. By the effect of said condition, the petitioner had to perform community service as शिक्षा स्वयंसेवक in Government Primary School situated nearest to residence of the petitioner.

It is anxiety of the petitioner that because of prevailing condition of Covid-19 Pandemic it would be difficult for her to move to a government primary school to perform community service as शिक्षा स्वयंसेवक because at the first hand schools are running through online mode, it would not be apposite for the petitioner to move in the vicinity as there is a chance of spread of Covid-19 Pandemic is at large, therefore, she seeks modification.

Learned Counsel on her behalf fairly submits that she intends to perform community service but in a different manner as may be provided by this Court.

Learned Counsel for respondent CBI submits that if petitioner really intends to perform community service as per her undertaking

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given in the order, then she being a medical student of post graduation, can perform community service in any Community Health Center in the vicinity of the petitioner.

Considering the rival submissions and the fact situation, it appears that to that extent petitioner is right regarding prevailing condition of Covid-19 Pandemic as due to Covid-19 Pandemic Schools are usually run through online mode, however, looking to the status of the petitioner as medical student (doing post graduation in Ophthalmology) from Indus Medical College, Indore, she is directed to perform community service in following manner:-

1. Petitioner shall visit every alternate Sunday to P.C.

Sethi Distt. Hospital, Opp. G.P.O., Indore or Community Health Center at Mangliya, Distt. Indore wherever she desires to do and shall perform her duties as General Practitioner and if required, she will assist Specialist/ Ophthalmologist of the said Center by tendering her services. Chief Medical and Health Officer/Civil Surgeon, Indore shall permit her to do so.

2. The petitioner shall perform this community service on every alternate Sunday between 10 am to 2 pm and this shall continue for one year or till she completes her Post Graduation course in Ophthalmology, whichever is

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earlier. She shall not be a source of infection or discomfort to any patient in any manner during her stint in Community Service. It is expected that petitioner shall seriously perform her services to purge her misdeeds if any and to serve national/social cause without any fail and she will submit the report every third month before this Court for perusal.

It is made clear that if she has to perform any emergency service on Sunday in pursuance to her P.G. Course, then on that Sunday, she would be exempted to do community service, but she would compensate it while going for community service on any other day to adjust her duties accordingly.

Petition stands allowed and disposed of with above modifications.

This order shall be kept in the office file of M.Cr.C. No. 4201/2021 and shall be read in conjunction with order dated 12.02.2021 passed in M.Cr.C. No. 4201/2021.

(Anand Pathak)
Judge

(G.S. Ahluwalia)
Judge

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