

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6717 OF 2014

Satish s/o. Baban Dhanwate **....Applicant.**

Versus

The State of Maharashtra
and others **....Respondents.**

Mr. R.R. Karpe, Advocate for applicant.

Mr. N.B. Patil, APP for respondent Nos. 1 and 2.

Mr. N.V. Gaware, Advocate for respondent No. 3.

CORAM : T.V. NALAWADE, J.
DATED : 22nd January, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by wife of the applicant. Their marriage took place on 27.5.2013. She has made allegations that right from the beginning illtreatment was given to her by the present applicant. He used to say that as she is stammering in her talk, he was not liking her. Then he started asking her to bring Rs. five lakh as his

family wanted to purchase agricultural land. On one occasion, she was driven out of the house. The matter was then settled and she was returned to her matrimonial house. It is her case that when she became sick, illtreatment was given to her by not providing medical treatment. Allegations are made that when she became pregnant, against her will she was taken to hospital and when there was no problem with the foetus, abortion was caused by the applicant in a private hospital and her signatures were obtained on blank papers. It is her case that then she was driven out of the house as the demand of money was not met with and since 8.9.2014, she is living with her parents.

3. It appears that the crime is registered for offences punishable under sections 313, 498-A, 323, 34 etc. of I.P.C. The learned counsel for the applicant submits that relatives of the applicant are already granted anticipatory bail. He submitted that the complainant is an educated lady and she had given consent to the abortion and it cannot be said that the abortion was caused when there was no consent or it is illegal operation.

4. In view of the serious allegations made against the husband, this Court holds that discretion cannot be used in his favour. In this region, there is the tendency to abort a child when

it is a female child. The age of the foetus was 7 weeks and 4 days. Thorough investigation in such cases is necessary. When there are such serious allegations against the husband, custodial interrogation is must.

5. In the result, the application is rejected.

6. A requests made by the learned counsel for applicant for continuation of interim relief is rejected.

[T.V. NALAWADE, J.]

ssc/