

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 497 OF 2015

Sou Priya Ajit Dabhade	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Tejas Hilage, Advocate for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **28th April, 2015**

P.C.:

This Application is moved for anticipatory bail under section 438 of the Cr. P.C. The applicant/accused is a woman who is facing charges under sections 323, 324, 504, 506, 312, 315, 316, 318 r/w. 34 of the Indian Penal Code and sections 3, 4 and 5 of the Medical Termination of Pregnancy Act. The complainant Maruti Dabhade is father-in-law of the applicant/accused. The applicant got married to Ajit Maruti Dabhade on 17th December, 2012, however, the applicant/accused was in love with her cousin and that she wanted to take divorce, therefore, she made false allegations against the complainant, her husband and other family members. She was pregnant in the month of May, 2013. She registered her name with the Government Health Centre, however, it is the case of the prosecution that she did not want the child and after sonography she found that it was a girl child and therefore, though she was pregnant of 16 weeks and 1 day on 21st June, 2013 she aborted the fetus.

2. The learned counsel for the applicant/accused submitted that the applicant/accused is innocent. On the contrary, she was harassed by the complainant, her husband and other members of the family. The termination of pregnancy was done forcibly by the husband of the applicant and she is innocent. It is further submitted that the relations between the husband and wife are not good and they are residing separately. Divorce Petition is also filed.

3. Learned APP opposed the Application. He submitted that the police could not get the name of the hospital where the pregnancy was terminated.

4. Perused the FIR and the papers of investigation. It is found that *prima facie* it is not seen that the applicant/accused has terminated her pregnancy because the fetus is of girl child. In view of this, I confirm the order of interim bail granted by this Court on 8th April, 2015 with modification that the applicant shall attend the concerned police station as and when called by the Investigating officer.

5. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)