

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1462 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.S.G.Rajput for the Applicant.
Ms.M.H.Mhatre, APP. for the State.
Mr.R.V.Gupta for the Applicant in APPP No.886/2015.

CORAM : A.S.GADKARI, J.
DATE : 26.11.2015

P.C.

The applicants are apprehending arrest in connection with CR No.462 OF 2015 registered with Wadala TT Police Station under section 313, 323, 504, 506 read with 34 of the I.P.C.

2) Heard Learned counsel for the respective parties.

3) In pursuance of the order dated 8.10.2015 the learned APP has produced for my perusal the medical certificate issued by the Medical Officer Department of Obstetrics and Gynecology, KEM Hospital along its the opinion given by the Medical Officer to the questionnaire given by Sr. Inspector of Wadala TT Police Station Mumbai. Heard Shri. Gole

learned counsel appearing for the applicant and Shri.Gupta for the original complainant Smt. Nilofar Samiulla Idrisi.

4) Mr.Gupta for the complainant submitted that the applicants herein with a view to pressurize the complainant and to tamper with the evidence in CR No.443/2015 registered with Wadala TT Police Station has not only threatened her but also assaulted her and due to which, the complainant Smt. Nilkofar suffered abortion. A perusal of the FIR dated 16.9.2015 lodged by Smt. Nilofar in the present crime CR NO.462/2015 prima facie, discloses that there was no intention at the behest of the applicant to commit offence under section 313 of I.P.C. The said fact is supported by the opinion given by the Medical Officer of KEM Hospital. The Medical Officer in his opinion dated 20.10.2015 has stated "As no obvious physical injury is visible it cannot be commented that the abortion is caused by the injury by the alleged assault to the complainant. Smt. Nilofer was immediately rushed to the KEM Hospital and the medical certificate dated 16.10.2015 mentions nature of injury "blunt abdomen injury only". Prima

facie, it appears that while committing the present offence, the applicants were not having any intention to commit the offence under section 313 of the I.P.C. In view of the above following order.

ORDER

- a) In the event of arrest in CR No.462 of 2015 registered with Wadala TT Police Station, Mumbai, the applicants be enlarged on bail on their furnishing PR bond in the sum of Rs.,50,000/-with one or two sureties in the like amount.
- b) The applicant shall attend the Wadala TT Police Station on every Monday and Wednesday between 10.00a.m. to 2.00 noon till filing of the charge sheet.
- c) It is needless to mention that the applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses.
- d) It is however, made clear that if the applicants indulge in the tampering of evidence of the prosecution witnesses their bail will be cancelled on the report being submitted by the concerned police officer before the trial court.
- e) The observations made herein above are in

context of the decision of the present application and the trial court shall not get influenced of the order passed by this court at the time of trial.

(A.S. GADKARI, J.)