

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2141 OF 2016

Sunil S/o Balasaheb Salunke

Age : 38 years, Occu.: Medical Practitioner,

R/o : Dandegaon, Taluka : Kalamnuri,

District - Hingoli

.. Applicant

VERSUS

The State of Maharashtra

Through Vimantal Police Station,

Nanded, Taluka and

District : Nanded

.. Respondent

.....

Mr. Sanket S. Kulkarni, Advocate for the applicant

Mr. A.S. Shinde, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 21/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Vimantal Police Station, Dist. Nanded in Crime no.0055 of 2016 for the offences punishable under section 314, 315, 318 r/w. 34 of the Indian Penal Code and under section 3, 4 of the Medical Termination of Pregnancy Act and under section 3, 4, 5 of Bombay Nursing Home Act, 1949, is praying for his release on bail.

3. The applicant was arrested on 20/03/2016. It appears from the case papers that on 14/3/2016, the squad of Nanded Waghala Municipal Corporation received an information and accordingly, the hospital of Dr. Balaji Motalwar was raided. One lady was found at the place. She told that she had three living female children and her fourth child was a fetus of five months old and it was got terminated in the same night i.e. by 8.00 pm. Raid was carried at 10.00 pm and the lady female fetus was found in the bag. It was found that said Dr. Balaji Motalwar was merely B.A.M.S. C.C.H. (Bom) and the hospital was not an approved hospital. Therefore, the offence came to be registered.

4. Learned A.P.P. submits that during the course of investigation, one co-accused made a statement that the present applicant used to refer such patients to said hospital. In the circumstances, he also came to be arrested.

5. Considering all the material on record and finding that the investigation qua the present applicant is practically complete, in my view, he can very well be released on bail.

6. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.0055 of 2016 registered with Vimantal Police Station, Dist. Nanded for the offences punishable under section 314, 315, 318 r/w. 34 of the Indian Penal Code and under section 3, 4 of the Medical Termination of Pregnancy Act and under section 3, 4, 5 of Bombay Nursing Home Act, 1949, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

7. Application stands disposed off accordingly.

[M.T. JOSHI]
JUDGE

arp/-