

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2372 OF 2016

Balaji Ramrao Moralwar,
Age: 42 years, Occ: Medical Practice,
R/o. Pundalikwadi, Nanded.

...Applicant

versus

The State of Maharashtra,
through Police Inspector,
Police Station Vimaltal,
Nanded.

...Respondent

.....
Mr. F.R. Tandale, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th JUNE, 2016

ORAL ORDER :

The applicant, a Doctor is seeking regular bail in Crime No. 55 of 2016 registered at Vimantal Police Station, District Nanded, for an offence punishable under Sections 314, 315, 318 read with Section 34 of the Indian Penal Code and under Sections 3,4 of the Medical Termination of Pregnancy Act and under Sections 3,4,5 of Bombay Nursing Act.

2. It is the case of applicant that he holds qualification B.A.M.S. and diploma in CCH. According to him, he is falsely implication in the crime in question.

3. It is the case of prosecution against the present applicant that upon secret information, Dr. Mohammad Asif Mohammad Ibrahim along with social workers carried out raid and noted that patient Rajshree Londhe was illegally underwent abortion, who was having three female kids.

4. While trying to make out case for grant of bail, learned Counsel for the applicant submits that the applicant was arrested on 18/03/2016 and since then he is behind the bar. He would then submit that other co-accused are already granted bail and since the applicant be also released on bail, as the investigation is advanced stage. According to him, the applicant shall not operate his hospital if released on bail till conclusion of trial.

5. Learned A.P.P. opposed the application on the ground that the investigation is in progress. Looking to the nature of offence in question, it has to be treated as serious one. According to him, till filing of the charge sheet, he should not be released as his case is not at par with that of other co-accused.

6. Having bestowed my thoughts to the submissions made, it is required to be noted that *prima facie* the applicant is involved in

the crime in question. There is sufficient evidence available against him at this stage to infer that he is involved in the crime in question. The investigation is in progress and is yet to be completed. In case if he is released on bail, there is likelihood of tampering the evidence.

7. Apart from above, it is required to be noted that there is direct involvement of the applicant in the crime in question and as such, his case cannot be treated as at par with that of other co-accused.

8. In that view of the matter, application stands rejected.

[N.W. SAMBRE, J.]