

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

CRIMINAL APPLICATION NO. 2382 OF 2016

Balaji s/o Kishanrao Dudhate,
Age: 32 years, Occ: Labour,
R/o. Limbgaon, Tq. & Dist. Nanded.

...Applicant

versus

The State of Maharashtra
Through investigation officer,
Vimantal Police Station, Nanded.

...Respondent

.....
Mr. V.S. Kadam, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 8th JUNE, 2016

ORAL ORDER :

The applicant 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 and 5 of Bombay Nursing Act, 1949.

2. The applicant was arrested on 16/03/2016. It appears from the case papers that on 14/03/2016, 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 p.m. Raid was carried at 10-00 p.m. 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.

3. The other co-accused in the matter is already ordered to be released by this Court on bail on 21/04/2016 vide order passed in Criminal Application No.2141 of 2016.

4. So far as the role attributed to the applicant is that the applicant is not named in the first information report. Upon perusal of the investigation papers, it depicts that the applicant alleged to have acted as mediator. As such, the case of the applicant could be considered at par with that of applicant Sunil, who is already ordered to be released on bail by this Court on 21/04/2016.

5. In view thereof, it will be appropriate, in my opinion, to order the release of the applicant on bail. Hence, the following order:-

The applicant be released on bail in connection with 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 and 5 of Bombay Nursing Act, 1949, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

6. Criminal Application stands allowed in above terms

[N.W. SAMBRE, J.]