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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.122 OF 2016**

Vitthal Dattoba Shirke

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.P.H.Bhoite, for the Applicant

Mr.Y.M.Nakhawa, A.P.P for the Respondents-State

CORAM : REVATI MOHITE DERE, J.

DATE : 25th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.349 of 2015 registered with the Yavat Police Station, Pune, for the alleged offences punishable under Sections 498A, 313, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The applicant is the husband of the sister-in-law of the

complainant. The complainant was married to Namdev Kumbhar in the year 2009. She has alleged that all the accused including the applicant had subjected her to cruelty on the ground that she had given birth to a female child. She has also alleged that the accused had demanded a sum of Rs.1,00,000/- from her parents. According to her, the accused also forced her to terminate her pregnancy.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that the complainant was married to Namdev Kumbhar some time in 2009. He submitted that the alleged abortion which took place in Karnataka is stated to have been taken place some time in 2013 and the complaint/FIR was lodged in the year 2015. He submitted that the applicant is the husband of the sister-in-law of the complainant. He submitted that the complainant had not produced any document to show that her abortion had taken place in Karnataka.

5. Learned A.P.P opposed the application. He submitted that the applicant had also accompanied the complainant, her husband and others

and had taken the complainant to Karnataka to terminate her pregnancy against her will.

6. Perused the papers. It appears that the husband of the complainant was arrested and subsequently enlarged on bail. Admittedly, the applicant was not living with the complainant and her husband. It appears that the complainant had not produced any document to show that the sex determination was done and her pregnancy was terminated in Karnataka. It also appears that despite the arrest of all the other co-accused, the police have not been able to trace the place at Karnataka where allegedly the pregnancy of the complainant was terminated.

7. Considering the aforesaid, the application is allowed and the applicant is granted anticipatory bail on the following terms and conditions:

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/-, with one or two sureties in the like amount ;

(ii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.