

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 537 OF 2016**

Balasaheb Eknath Arekar & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. E. B. Dixit i/b Mr. Ramesh Tripathi for the Applicants

Ms. R. M. Gadhavi, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
THURSDAY, 7th 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 applicants seek pre-arrest bail in connection with C.R. No. 112 of 2016 registered with the Pimpri Police Station, for the alleged offences punishable under Sections 376, 328, 313, 387 and 506 of the Indian Penal Code.

3. It appears that the prosecutrix aged 30 years has lodged a

complaint against one Yogesh alias Sunny Subhash Annadate alleging rape. It is alleged that the present applicants terminated the pregnancy of the prosecutrix. Learned Counsel for the applicants submits that in the FIR, no allegations are made as against the applicants, who are the Doctors and who terminated her pregnancy. According to the prosecutrix, the allegations are as against one Yogesh alias Sunny Subhash Annadate. It is submitted that the applicants are falsely roped in, in the present case.

4. Learned A.P.P submits that the statements of the complainant and her friend show that the abortion had taken place in the hospital of the applicants.

5. Perused the papers, in particular, the statement of the prosecutrix. She has stated that one Yogesh alias Sunny Subhash Annadate had committed forcible sexual intercourse with her, as a result of which she was pregnant. She has further stated that the said Yogesh had taken her to a hospital at Ahmednagar, where the abortion was done. Learned A.P.P submitted that the prosecutrix in her 164 statement, has mentioned the names of the applicants and stated that they had done the abortion. The

prosecutrix is aged 30 years. *Prima facie*, there is nothing in the FIR to show that the applicants compelled or forced her into abortion against her wishes.

6. Considering the aforesaid, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.5,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called;
- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

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

8. 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.

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

REVATI MOHITE DERE, J.

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