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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.984 OF 2017

- | | | |
|----|---|----------------|
| 1. | Nilesh Vijay Bhalerao | |
| 2. | Vijay Deoram Bhalerao | |
| 3. | Mira Vijay Bhalerao | |
| 4. | Nutan Pravin Salav @ Nutan Vijay Bhalerao | |
| 5. | Chandrabhan Deoram Bhalerao | |
| 6. | Jayashri Chandrabhan Bhalerao | ...Applicants |
| | Versus | |
| | The State of Maharashtra and Anr. | ...Respondents |

Mr.Akhilesh Singh, for the Applicants.

Ms.P.P.Shinde, APP for the Respondent-State.

Mr.M.N.Sandhyanshiv, for the Respondent No.2/Original Complainant.

PSI – V.K.Gaikwad, Malegaon Camp Police Station, Nashik.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 42 of 2017 registered with the Malegaon Camp

Police Station, Nashik, for the alleged offences punishable under Sections 498A, 406, 313, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The complainant is the wife of applicant No.1; applicant No. 2 is the father-in-law; applicant No. 3 is the mother-in-law; applicant No. 4 is the sister-in-law; applicant No. 5 is the Uncle of applicant No. 1 and applicant No. 6 is the wife of applicant No. 5.

4. The applicant No. 1 was married to the complainant on 19th February, 2016. It is alleged that after a few months of the marriage, the applicants started ill-treating and harassing the complainant and started demanding dowry of Rs. 25 lakhs from her. It is further alleged that when it was learnt that the complainant was pregnant, the applicant No. 1 gave her pills for abortion on 1st April, 2016, without her consent, as a result of which, she had to abort the child. On 9th May, 2017, the complainant lodged a private complaint in the Court of learned Judicial Magistrate First Class, Malegaon, pursuant to which, the learned Magistrate was pleased to pass an order under Section 156(3) and an FIR was registered pursuant thereto.

5. Learned Counsel for the applicants submits that the allegations as against the applicants are false. He submitted that the entire family has been implicated in the said case. He submitted that at no point of time, the complainant was compelled to terminate her pregnancy and it was the complainant, who herself did not want a child, as she wanted to study further.

6. Learned APP states that the police have recorded the statement of Dr.Bhalerao, the concerned Doctor. He stated that Dr.Bhalerao has stated that the complainant was willing for termination of her pregnancy.

7. Perused the papers. The allegations as against the applicants are that they were demanding dowry from the complainant. It is also alleged by the complainant that when she was pregnant, the applicant no.1 gave her pills for abortion on 1st April, 2016 without her consent, as a result of which, she had to abort her child. Pursuant to a private complaint lodged by the complainant, the learned Judicial Magistrate First Class, Malegaon was pleased to pass an order under Section 156(3) of the Code of Criminal Procedure. Pursuant to which, the aforesaid C.R. was registered. A perusal

of the medical case papers of Usha Hospital show that the complainant had given her consent for termination of the pregnancy. The statement of Dr.Wagh dated 18th June, 2017 also shows that on 30th March, 2016, the applicant no.1 and the complainant had gone to the hospital and that after sonography, both the applicant No.1 and the complainant disclosed that they did not want the child and wanted to abort the child, pursuant to which, their consent was taken and after which pills were administered for abortion.

8. In this view of the matter, custodial interrogation of the applicants is not required. Accordingly, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- 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, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

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

10. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)