

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

ANTICIPATORY BAIL APPLICATION NO.1069 OF 2017

Vishal Subhash Dham & Anr.	..	Applicants
Vs.		
State of Maharashtra & Anr.	..	Respondents

Mr.Niranjan Mundargi i/by Mr. Kunal D. Ambulkar for the applicant.
Mr.S.S. Hulke, Additional Public Prosecutor for the respondent.
Mrs.Manisha M. Bhosale for the respondent no.2.

CORAM : T.V. NALAWADE, J.
DATE : 21st August 2017

P.C. :

. The application is filed for relief of the anticipatory bail in C.R. No.181 of 2017 registered in Saswad Police Station, Pune for the offences punishable under Sections 498A, 313, 323, 504, 506, 507 read with 34 of the Indian Penal Code. Both the sides are heard. Papers of investigation were made available for perusal of this Court.

2. A crime is registered on the basis of report given by wife of the applicant no.1. She has made an allegation that the husband has caused her abortion at Saswad. Some other allegations regarding ill treatments given by both the applicants.

3. Papers of investigation show that sonography was done on 25th September 2016 and there was foetus of 21 weeks. There was some problem with foetus.

4. Learned APP submitted that investigation was made as per the information given by the first informant but police could not collect the record with regard to the abortion. According to the first informant, the abortion was done, the pregnancy was terminated at Saswad. As the police are not able to trace out the said center and due to aforesaid circumstances and the allegations made against husband, this Court holds that it has become necessary to collect information from the applicant husband. The husband will not give information if protection is given to him.

5. In view of the nature of allegations, this Court holds that protection cannot be given to the applicant no.1. However, protection needs to be given to the applicant no.2, mother of the applicant no.1.

6. In the result, application of the applicant no.1 is rejected. Interim relief is vacated. Application of the applicant no.2 is allowed. Interim relief granted in favour of the applicant no.2 is confirmed.

T.V. NALAWADE, J.