

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1513 OF 2017**

Rubina Dawood Korlekar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ganesh K. Gole i/b Mr. Ateet Shirodkar for the Applicant

Mr. R. M. Pethe, A.P.P for the Respondent-State

API Mr. Khan S. Y., from Wadala T. T. Police Station is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 27th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 597 of 2016 registered with the Wadala T. T. Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 131, 406, 201, 465, 324, 504, 506 r/w 34 of the Indian Penal Code; under Section 7(1) B of Medical Termination of Pregnancy Act.

3. Learned Counsel for the applicant submitted that the applicant was a Nurse in Jyoti Nursing Home, where the alleged incident of abortion is stated to have taken place. He submitted that the applicant had acted on the instructions of the doctor. He submitted that the applicant is in custody since 7th February, 2017 and that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposed the application.

5. Perused the papers. The complainant-Yasmin Shah has filed the aforesaid case as against her husband, in-laws and the present applicant alleging the aforesaid offence. According to the complainant-Yasmin, she got married to one Abdul Shah on 26th November, 2010. She has stated that after marriage, her in-laws started abusing and misbehaving with her on petty issues. She has further alleged that the jewellery/gifts brought by her during marriage, were kept by her in-laws. She has further alleged that when she was 5 months pregnant, her husband and in-laws threatened to abort her pregnancy. According to the complainant, she was taken to the

hospital on 4th December, 2016 for terminating her pregnancy. She has alleged that her pregnancy was terminated without her consent, by the applicant. As far as the present applicant is concerned, she was working as a Nurse in Jyoti Hospital, where the pregnancy was terminated. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iii) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.
8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.