

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1207 OF 2017

Mr. Vivek Ankush Kumbhar & Ors.

... Applicants

vs.

The State of Maharashtra

... Respondent

.....

Mr. A. N. Naikwadi for the Applicants.

Mr. S. V. Gavand, APP for the State.

Mr. R. V. Pathan, Havaladar, Indapur Police Station present.

CORAM : T. V. NALAWADE, J.

DATE : 21.08.2017.

P.C.:

1. The Application is filed for the Anticipatory Bail. Both the sides are heard. The papers of investigation were made available for the perusal.

2. The crime at C. R. No. 146/2017 is registered in the Indapur Police Station against the Applicant for offences punishable under Section 498A, 312, etc., read with Section 34 of the Indian Penal Code. The Applicant No. 1 is the husband of the 1st informant. She has made allegations that there was ill-treatment to her from the husband and relatives of the husband. She has made allegations that due to assault made by the husband on her she suffered abortion two times i.e. on 25.05.2016 and 26.01.2017. It is her case that the husband does not like her and he wants to give divorce and due to that ill-treatment was given to her. She left the matrimonial house on 04.12.2016 the second abortion took place on 26.01.2017. Due to these circumstances the learned counsel submitted that it cannot be believed that the husband wanted the abortion.

3. The Applicant has produced report dated 04.12.2016 given to police which shows that on that occasion also she had informed the

police that the husband was beating to her and he was asking to her to undergo the abortion and he was asking to her to give divorce. There are specific allegation that she suffered abortion two times and even before the last abortion report given to her to Police. Due to these circumstances, custodial interrogation of Applicant No.1 is necessary. However, in view of nature of allegation and contains of the report dated 04.12.2016 this court holds that relief can be granted to Applicant Nos. 2 to 7. In the result application of the Applicant No.1 stand rejected. Interim relief granted in favour is vacated. The application of the Applicant No. 2 to 7 is hereby allowed. Interim relief granted to them is hereby confirmed.

(T. V. NALAWADE, J.)