

*Nalawade*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2822 OF 2017

Ghazi Mujeebur Rehman Habibur Qureshi vs. State of
Maharashtra and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Smt. Frhan Shah i/by Ms. Shabbir Shora for the Applicant.
Mr.R.M.Pethe,APP for the Respondent-State.CORAM :A.S.GADKARI, J.
DATE : 19th December, 2017

P.C.

1. This is an application under Section 439 of the Criminal Procedure Code for bail in CR No. 597 of 2016 registered with Wadala T.T. Police Station, Mumbai under Sections 498A, 313, 324, 406, 201, 465, 4323, 504, 506 read with 34 of the I.P.C. and Section 7(1) B of the Medical Termination of Pregnancy Act, 1971.
2. Heard the learned counsel for applicant, learned APP and perused the charge sheet.
3. The first information report is lodged by Smt. Yasmin Shah (co-accused). The case of the prosecution is that the husband of the applicant and her in laws used to harass and

torture her for dowry. That, Mr. Irshad (co-accused) i.e. husband of informant told her to perform abortion failing which he will give diverse to her. It is the further case of the prosecution that Mr. Irshad-husband of the first informant thereafter took the informant at Jyoti Nursing Home and the applicant herein thereafter carried out the medical termination of foetus of the said first informant. That, the applicant and the Nurse Smt. Rubina prepared forged and bogus documents and completed the process of abortion of the first informant. It is alleged that under the directions of the applicant Smt. Rubina destructed the said foetus by throwing it in the flowing creek. During the course of investigation the applicant came to be arrested and after completion of investigation the police have submitted charge sheet.

2. At the out set it is to be noted here that the other all accused including Irshad Shah, husband of the informant Smt. Yasmin Shah have been released on bail either by this Court or by the Trial Court.

4. The record further indicates that the first informant has signed the documents in the said hospital before carrying out the procedure of medical termination. It further prima facie appears that it is because of the threats administered by Mr.

Irshad Shah i.e. husband of the first informant the informant was left with no other alternative than to perform the said medical termination of her foetus. It further prima facie appears that the applicant has complied with the necessary rules while currying out the said procedure.

5. In view of the above the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No. 597 of 2016 registered with Wadala T.T. Police Station, Mumbai on his furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail the applicant shall attend the Wadala T.T..Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon.
- c) The applicant shall attend all the dates before the Trial Court.
- d) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)