

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.72 OF 2017
(Dr. Vasanti wd/o Avinash Kadu vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri Anil Mardikar, Senior Advocate with Shri S.G. Joshi,
Advocate for applicant.
Shri S.A. Ashirgade, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.
DATED : FEBRUARY 23, 2017

This is an application for grant of bail before
arrest of applicant, who is arrayed as one of the accused
in Crime No.48/2017 though she is medical practitioner
having her Maternity Home at Badnera Road, Amravati.

Heard Shri Mardikar, learned Senior Counsel
for applicant, and Shri Ashirgade, learned Additional
Public Prosecutor for respondent.

Shri Mardikar, learned Senior Counsel for
applicant, by referring to the contents of report has
contended that there is no ground to establish
involvement of applicant, who is a Medical Practitioner
and has acted in the interest of complainant, however,
she is falsely involved and thus, prayed for grant of bail.

Shri Ashirgade, learned Additional Public
Prosecutor for respondent, has opposed the application
as per reply on record. It is submitted that signature of
complainant on the consent form is forged and
investigation in that regard is in progress.

On perusal of report lodged by complainant

Akansha, it appears that only role attributed to applicant is of her terminating complainant's pregnancy. It is alleged that applicant on accepting amount of Rs.30,000/- from co-accused, who are husband and in-laws of complainant, during night on 16/1/2017 terminated pregnancy. Documents filed with the application reveal that on medical ground, complainant's pregnancy was necessary to be terminated in her own interest as there was possibility of abortion.

From the document, which is a consent form issued by applicant's Hospital, consent of complainant as well as of her husband appears to have been given by them before process for termination of pregnancy was carried out. Contents of this document also reveal that complainant and her husband were also made aware of the reason for terminating her pregnancy.

Having considered facts aforesaid, it is prima facie revealed that involvement of applicant is totally baseless. Interim direction in favour of applicant granted on 6/2/2017 protecting her from arrest is, therefore, liable to be confirmed as per order below :

Order dated 6/2/2017 passed by this Court stands confirmed on the same terms and conditions. Applicant is, however, directed to attend Investigating Officer, if required, till filing of charge-sheet.

The criminal application is accordingly allowed.

JUDGE