

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1170 OF 2018**

Shubhangi Mansing Pisal.

... Applicant.

V/s.

The State of Maharashtra.

... Respondent.

Mr. Kuldeep S. Patil a/w. Mr. Shankar Katlaar I/b. Ms. Manisha Arjun Devkar, advocate for applicant.

Mr. Vinod Chate, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 22, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 27/12/2017 in Crime No. 430 of 2017 registered with Akluj Police Station, for offence punishable under section 318, 201 of the Indian Penal Code and under section 5 of Medical Termination of Pregnancy Act, 1971.

3 It is the case of the prosecution that the applicant herein is a mother of two daughters who was pregnant. Thereafter, she had undergone sonographic test and the foetus was determined that of

Talwalkar

female child and hence, she wanted to terminate the pregnancy. She was pregnant of more than 16 weeks when she had gone for sonographic test to Dr. A.G. Patil. That the agent was Sikandar Shaikh. Thereafter, on 8/8/2017 she alongwith her husband had been to the hospital of Dr. Tejas Gandhi and on 9/8/2017 she had undergone medical termination of pregnancy. The husband and wife had paid Rs. 15,000/- to Dr. Tejas Gandhi. The husband of the applicant was absconding. Dr. Tejas Gandhi, Dr. Ashok Patil, Sikandar Shaikh have been enlarged on bail. The husband of the applicant has surrendered on 20/6/2018. He is in police custody.

4 The learned counsel for the applicant submits that the applicant had two daughters and her husband was insisting upon a son and therefore, after going through sonographic test, she was forced to undergo medical termination of the pregnancy at the hospital of Dr. Tejas Gandhi.

5 Taking into consideration that the applicant was in custody since December, 2017, this Court is of the opinion that the applicant deserves to be enlarged on bail. However, it is made clear that the husband of the applicant shall not claim parity with the present applicant at least for two months.

Talwalkar

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]