

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2568 OF 2018

Pandurang S.,Khandagale	..Applicant
vs.	
The State of Maharashtra	..Respondent.

Ms. Manisha Devkar with Shankar Katkar for the for the Applicant.

Mr. N.B.Patil, APP. for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 11th December, 2018

P.C.

1. The applicant is apprehending arrest in CR No.129 of 2018 dated 12.6.2018 registered with Velaur Police Station, District Solapur under Sections 312,315, 201, 212 read with 34 of the and under Section 5 of the Medical Termination of Pregnancy Act, 1971.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.
3. The prosecution case in brief is that, the accused No.1 Dr. Anand Joshi and accused No.2 Sou. Jayshree Anand Joshi were running Anand Maternity and Surgical Nursing Home at Velapur, Taluka Malshiras. That, the said two accused persons

were indulging into illegal acts of performing medical termination of pregnancy and have caused abortion of five women. They also caused disappearance of the said foetus. They also did not recorded the said facts in the register for performing the said medical termination of pregnancy and has caused disappearance of it by treating it as medical waste. It is alleged that when the Competent Authority and other Government Officers conducted a raid at the hospital of the accused Nos. 1 and 2, the said accused with a view to avoid arrest, fled away from the scene of offence. It is alleged that, the applicant was working as a compounder in the said hospital and has assisted the main accused to fled from Velapur to Mumbai and then from Mumbai to Karad.

4. The record indicates that the applicant herein was employed with the said accused persons as their compounder and as per the prosecution itself, he has no role to play in the offence punishable under Section 312 and 315 of I.P.C. or under Section 5 of the Medical Termination Act. The role alleged to have been assigned to the applicant in the present crime prima facie would fall within the purview of Section 212 of the I.P.C. as he helped the principal accused in fleeing

away from the scene of offence and subsequently helping them in avoiding their arrest. It prima facie appears that, the applicant being the employee of accused Nos.1 and 2, has acted under their dictates and directions.

It is submitted by the learned counsel for the applicant that, there are no antecedents at the discredit of the applicant.

5. In view thereof, the applicant can be released on bail.

Hence, the following order.

a) In the event of arrest in CR No. CR No.129 of 2018 dated 12.6.2018 registered with Velaur Police Station, District Solapur, the applicant shall be released on bail on his furnishing PR bond of Rs.20,000/-with one or two solvent local sureties in the like amount.

b) The applicant shall attend the Investigating Officer on every first Monday of the month between 10.00 and 12.00 noon till conclusion of trial.

+c) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)