

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2986 OF 2017

Ramesh Vyankatesh Devgirikar Applicant

Vs.

The State of Maharashtra Respondent

Mr. H.H. Ponda for the Applicant.

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

Coram : Smt. Sadhana S. Jadhav, J.

Date : 6th June, 2018

P.C.:

1 Heard the learned counsel for the applicant.

2 Pursuant to the order dated 20th February 2018, the applicant herein has filed an Undertaking before this court that he would not practise as a Radiologist or any other field of medical sciences till the conclusion of the trial. The Undertaking is taken on record and marked as Article 'X' for the purpose of identification.

3 The applicant is arrested in Crime No. 53 of 2017 on 8th March 2017 by Miraj Rural Police Station for the offences punishable

under Sections 314, 315, 316, 304 read with 34 of the Indian Penal Code, under Sections 33 and 34 of Maharashtra Medical Practitioners Act and under Sections 4(B), 5(3) and 5(4) of the Medical Termination of Pregnancy Act, 1971.

4 It is the case of the prosecution that the applicant has obtained a Degree of M.B.B.S. from Karnataka University and was practising as Radiologist at Bijapur, which is in Karnataka state. It is the case of the prosecution that he was indulging into pre-natal diagnostic at his sonography centre. He had performed sonography on Geetanjali, Gaurabai etc. and thereafter the said patients had undergone medical termination of pregnancy at the hospital of Dr. Khidrapure even after the prohibited period. The co-accused in the case have been enlarged on bail. The investigation is completed and charge-sheet is filed.

5 The co-accused have been enlarged on bail on furnishing the said undertaking. The investigation is completed and charge-sheet is filed. The applicant has been in custody for more than one

year. Learned counsel submits that further incarceration would not be justified.

6 Taking into consideration the fact that by virtue of doctrine of parity, the applicant is also entitled to be enlarged on bail. Similarly he has placed an Undertaking on record and also assures the Court that he would abide by the said undertaking. The applicant deserves to be enlarged on bail.

7 However, it is made clear that the grant of bail shall not be construed for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J*)