

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

BAIL APPLICATION NO.360 OF 2018

Vijaykumar s/o Mallappa Pattar Applicant
Vs.
The State of Maharashtra Respondent

Mr. Prabhanjan Gujar for the Applicant.
Mr. N.B. Patil, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 23rd February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 30th June 2017 in Crime No.367 of 2017, registered at Pandharpur Taluka Police Station for the offences punishable under Sections 315 read with 34 of Indian Penal Code and under Sections 3(1),(2),(3),(4), 4(1)(2) and 5(2) of Medical Termination of Pregnancy Act, 1971 and under Section 15(2) of Indian Medical Council Act, 1956 and under Section 33(2) of Maharashtra Medical Act, 1961.

3 It is the case of the prosecution that the Assistant Police Inspector Mr. Pansare had received an information that on 26th June, 2017 at village Laxmi Takli one lady is undergoing illegal abortion at home. He had verified the said information. He had enquired with the lady. The same was disclosed to Dr. Mangedkar, who happens to be Medical Officer of Primary Health Centre, Gadegaon. Thereafter, Dr. Mangedkar had verified the fact that in the said area, there were some doctors indulging into unethical practice and performing abortions after the female foetus was diagnosed. It was revealed that one Vijay Pattar i.e. the present applicant and Basavraj Mali were working as agents. They used to take the pregnant women to sonography centres for prenatal diagnostic. The moment it was informed that it was the female foetus, they would want to undergo medical termination of pregnancy or that they were to forced to undergo the same and taken to Doctor. They had approached Dr. Somshekhar Hattarkki at Vijapur.

4 It is the case of the prosecution that the present applicant had obtained Rs.25,000/- from Vishnu Gite, wherein he was forcing his wife to undergo abortion. It was noticed that Sunita Gaikwad with the help of son Pankaj had aborted the wife of Vishnu Gite and they had obtained Rs35,000/- for the same.

5 By an order dated 29th January 2018, Anil Vitthal Rakh was enlarged on bail by this Court. Anil was also working as an Agent. By virtue of doctrine of parity, the applicant also deserves to be enlarged on bail. The investigation is completed and charge-sheet is filed. The applicant shall not reside at Vijapur or Pandharpur till the date of framing of charge.

6 Learned counsel for the applicant, upon instructions, has given oral undertaking that the applicant will reside at village Bellubbi, Taluka Kollar and will report to Kollar police station on 1st Sunday of every month till framing of the charge. The applicant shall attend the dates before the court regularly.

7 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration 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.

3 The applicant shall attend Kollar police station on 1st Sunday of each month from 10.30 am. to 1.00 pm. till framing of the charge and shall not visit Vijapur or Pandharpur save and except the formal dates before the Court.

(Smt. Sadhana S. Jadhav, J)