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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 591 OF 2018

Appu @ Margappa Yalappa Mingile	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jaydeep D. Mane, for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Mr. A. B. Wadekar, PSI, Akkalkot North Police Station, Solapur
(Rural).

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 6, 2018

PC :-

1. Leaned counsel for Applicant seeks leave to correct the title in the application, and the synopsis filed in the application. Leave as prayed is allowed. Amendment to be carried out forthwith.

2. This application is filed by accused involved, in C. R. No. 38 of 2018 registered with Akkalkot North Police Station, district Solapur for the offence punishable under Section 376(2)(N), 313 of Indian Penal Code, for grant of anticipatory bail.

3. Heard learned counsel for Applicant and learned APP for Respondent – State. It is submitted that Applicant is falsely implicated by the complainant, who is habitual in filing false complaint and has concocted a false story in the report. It is further contended that Applicant has roots in the society and thus, submitted that as nothing is to be recovered from him, his custodial interrogation is not necessary, as even according to the contents of report, it is seen that prosecutrix willingly accepted to have physical relations with Applicant. It is therefore, submitted that application be allowed.

4. According to prosecution, though Applicant and complainant knew each other, he on the pretext of marriage exploited her and after she was found to be pregnant, terminated her pregnancy by making her available some medicines / tablets, due to which on 19.1.2018 her pregnancy was terminated.

5. Perusal of report reveals that complainant was subjected to sexual intercourse by Applicant since four months prior to the incident and during such period she also missed her menstrual cycle and 8 days prior to lodging of report, since complainant was suffering from abdominal pains, Applicant provided her tablets saying that they

are for her pains. Relying upon the same, complainant consumed tablets and on 19.1.2018 in the morning when she went out for toilet, she experienced excessive bleeding and noted that one piece of skin like material came out out of her vagina due to which she fell unconscious and was thereafter referred to hospital.

6. Perusal of case diary would reveal that tablets came to be seized during the course of investigation. The tablets made available by Applicant consumed by complaint are prescribed for termination of pregnancy. It is also certified that excessive intake of such tablets is also dangerous to the health of patients.

Ultra Sonography report dated 19.1.2018 further substantiates case of complainant that she is stated to have missed menstruation cycle and undergone incomplete abortion, said contents are also substantiated by the statement of her mother, neighbours Chaya Kanade and Renuka Malave. It is further substantiated that after providing treatment by Dr. Momini, Applicant was further referred to Shanti hospital, where she was given further treatment. Applicant is found absconding from the date of incident, and therefore non-bailable warrant is also issued against him by the trial Court. As

further interrogation is necessary to gather evidence with reference to source of pills which were made available by Applicant to prosecutrix to suffer termination of her pregnancy, no case is made out for grant of anticipatory bail. Hence, application is rejected.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemth