

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

**BAIL APPLICATION NO.2807 OF 2017**

|                          |      |            |
|--------------------------|------|------------|
| Priti Tejas Gandhi       | .... | Applicant  |
| <u>Vs.</u>               |      |            |
| The State of Maharashtra | .... | Respondent |

WITH  
BAIL APPLICATION NO.2808 OF 2017

Tejas Pradip Gandhi .... Applicant  
Vs.  
The State of Maharashtra .... Respondent

Mr. M.S. Mohite i/by Mr. Viresh V. Purwant for the Applicants.  
Mr. Ajay Patil, APP for the State.

Mr. R.T. Rathod, API, Akluj Police Station present.

**Coram : Smt. Sadhana S. Jadhav, J.**  
**Date : 31<sup>st</sup> January, 2018**

P.C.:

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

2 This is an application under Section 439 Code of Criminal  
Procedure. The applicants herein are arrested on 25<sup>th</sup> August, 2017

in Crime No.425 of 2017, registered at Akluj Police Station, Solapur Rural. The investigation is completed and the charge-sheet is filed against the applicants for the offences punishable under Sections 201, 312, 315 read with 34 of Indian Penal Code and under Section 5 of Medical Termination of Pregnancy Act, 1971.

3           It is the case of the prosecution that the applicants herein are Gynaecologists practising at Akluj. They run Siya maternity Home at Sangramnagar, Akluj. It is the case of prosecution that on 25<sup>th</sup> August, 2017, Dr. Mallikarjun Revappa Pattanshetty, District Civil Surgeon, Solapur lodged a report at the police station alleging therein that he had learnt from reliable sources that the prenatal diagnosis is being conducted in Siya Maternity Home and also there was medical termination of pregnancy. That the social workers namely Advocate Varsha Deshpande, Advocate Shaila Jadhav have conducted a sting operation and thereafter it was revealed that the present applicants have performed medical termination of pregnancy of more than five women and prenatal diagnosis for more than 36 women in the said hospital. On the basis of the said report, Crime No. 425 of 2017 is registered against the applicants. They are taken into custody and have been charge-sheeted.

4           On the last date of hearing, learned APP had submitted that the investigating agency was in the process of taking proper

steps to inform the Medical Council of Maharashtra and Medical Council of India about violation of the rules and licenses given in favour of the present applicants to practice medicines. Today, learned APP has made a statement that on 10<sup>th</sup> January 2018 the investigating agency has communicated about the charge-sheets having been filed against the present applicants under the provisions of Medical Termination of Pregnancy Act.

5            Learned counsel for the applicants has placed on record the affidavits of the applicants, wherein they have specifically undertaken not to continue with the medical practice and that they would not run Siya Maternity Home till the conclusion of the trial. The affidavits are taken on record and marked as Articles “X” and “X1” for the purpose of identification. It is in the above mentioned facts that since coercive actions have been taken against the applicants by the Medical Council as well as they have volunteered not to continue the practice, the applicants deserve to be enlarged on bail.

6            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 applications are allowed.
- 2           The applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- 3           The applicants shall abide by the affidavits presented before this Court.

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