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

**BAIL APPLICATION NO. 2982 OF 2017**

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

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Mr. M.S. Mohite i/b. Mr. Viresh V. Purwant, advocate for Applicant.

Mr. Y.M. Nakhwa, APP for State.

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**CORAM : SMT.SADHANA S. JADHAV,J**
**DATE : FEBRUARY 7, 2018**

**P.C.:**

1 Not on board. Upon production taken on board.

2 Heard the learned Counsel for the applicant and the learned APP for State.

3 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 31/8/2017 in Crime No. 430 of 2017 registered at Akluj Police for offence punishable under section 315, 318, 201 read with Section 34 of the

Indian Penal Code and under section 5 of Medical Termination of Pregnancy Act, 1971. The investigation is completed and charge-sheet is filed. The applicant herein was enlarged on bail vide order dated 31/1/2018 in Crime No. 425 of 2017 registered at Akluj Police Station, Solapur.

4 In the present case, at the instance of social worker Advocate Varsha Deshpande a sting operation was conducted and it was revealed that co-accused had indulged into sex determination test and thereafter, Mrs. Shubhangi Pisal who was already a mother of two daughters had visited hospital of the present applicant where she had subjected herself to medical termination of pregnancy.

5 One Sikandar Shaikh who was a co-accused in the said case has been enlarged on bail by this Court.

6 The learned Counsel for the applicant has placed on record medical case papers of the applicant which shows that on 4/2/2018

the applicant was admitted in the Civil Hospital at Solapur with history of diabetes mellitus with hypertension with alcoholic liver disease with portal hypertension with hepatic encephalopathy. The applicant has a known case of malignancy of liver. He was taking treatment at Asian Institute of Gastroenterology since 2014. It is reported that the applicant is admitted in ICU at present and that his condition is deteriorating. The medical case papers are taken on record and marked as article X for the purpose of identification.

7 Taking into consideration the papers of investigation, the fact that co-accused are enlarged on bail and the medical condition of the present applicant this Court is inclined to grant bail to the applicant.

8 The observations made hereinabove are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced by the same at the time of trial.

9 Hence, the following order :

**ORDER**

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.

(iii) The applicant be enlarged on provisional cash bail for a period of 4(four) weeks within which he shall furnish sureties to the satisfaction of the Court of Sessions at Malsheras.

(iv) The applicant shall not tamper with the evidence.

10 The application is disposed of accordingly.

The parties to act on authenticated copy of this order.

(**SMT. SADHANA S. JADHAV,J)**