

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1076 OF 2019

Radha Mukund Sangamnerkar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Prashant Kamble, Advocate, for the Applicant
Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. In view of the 'Not Before Me' order passed by Hon'ble
Shri Justice Sarang V. Kotwal, the aforesaid Application has been placed
before this Court.

2. Heard learned counsel for the Applicant.

3. By this Application, the Applicant seeks pre-arrest bail in
connection with C. R. No. 124 of 2019 registered with the Faraskhana
Police Station, Thane, for the alleged offences punishable under
Sections 312, 363, 376 of the Indian Penal Code and under Sections 4, 6
& 17 of the Protection of Children from Sexual Offences Act.

4. Perused the papers. According to the prosecutrix, she had physical relations with Gorakh Pardeshi, against her wish / consent, pursuant to which, she became pregnant. The allegation as against the Applicant, a qualified Gynaecologist is that she terminated the pregnancy of the prosecutrix. It appears from the prosecution case that initially, the prosecutrix's mother had administered certain pills to the prosecutrix for termination of the pregnancy, however, the prosecutrix again tested positive for pregnancy. It is the prosecution case that pursuant thereto, the prosecutrix's mother took her to the Applicant's hospital for termination of a pregnancy. The documents filed in support of the Application revealed that as the prosecutrix had sustained incomplete abortion, possibly due to administration of some pills on obtaining her consent as well as consent of her mother, the Applicant had terminated the prosecutrix's pregnancy which was below 12 weeks, as mentioned in the Medical Report.

5. Considering the material on record qua the Applicant, custodial interrogation of the Applicant is not warranted. Accordingly, the interim relief granted by this Court vide order dated 03.05.2019 is confirmed on the following terms & conditions :-

ORDER

- (i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for by the investigating officer till the filing of the charge-sheet;
- (iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)