

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

ANTICIPATORY BAIL APPLICATION NO. 1912 OF 2018

Devmani Shukla	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. Bhavesh Parmar I/by Vijay Prakash Yadav for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Ms. Shailaja Kadam, PSI, Vileparle Police Station is present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th JANUARY, 2019.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 306 of 2018 registered on 8th September, 2018 for the offence punishable under Sections 498A, 315 and 504 of Indian Penal Code. Applicant preferred an application for anticipatory bail before the Sessions Court, which has been rejected on 11th September, 2018.

2. The dispute arises out of the matrimonial discord. It is alleged by the complainant that the applicant who is her husband had assaulted her on her abdomen and other parts of the body. The incident is disputed by the applicant. It is submitted that on

the very day, the applicant was assaulted which is fortified by the medical documents and in connection with the assault on the applicant, FIR is registered with the same police station on the same day against the brother of the complainant and other persons who had purportedly assaulted the applicant. Medical certificate also indicate that the applicant had sustained bleeding injuries on the nose. The history reported to the Doctor also indicated that the complainant was assaulted with the help of helmet.

3. Learned APP submitted that the applicant has committed serious crime. He has assaulted the complainant on her abdomen knowing that she was pregnant, and, thereby, committed offence under Section 315 of IPC. Learned APP further submitted that medical opinion indicates that she was pregnant. He also pointed out the letter forwarded by the Doctor to the police which indicate that complainant was pregnant and if the patient is pregnant there is likelihood of injuries at elbow and knee and other parts of body which may cause injury to her baby.

4. However, there is no opinion on record to indicate that as a result of assault, the victim and child in womb had sustained said injury. Injury certificate indicates that there was no external marks of injury. Applicant was directed to attend the investigating

officer of the concerned police station as and when called for. It is submitted that applicant has attended the police station and his statement has already been recorded. In the circumstances, interim order dated 19th September, 2018 is required to be confirmed.

ORDER

- i) Anticipatory Bail Application No. 1912 of 2018 is allowed;
- ii) Interim order dated 19th September 2018 is confirmed;
- iii) In the event of arrest of the applicant in connection with CR No. 306 of 2018 registered with Vile Parle Police Station, the applicant be released on bail on furnishing PR bond of Rs.20000/- with one or more sureties in the like amount;
- iv) Application stands disposed off.

(PRAKASH D. NAIK, J.)