

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1088 OF 2022

Vasudev Navnath Gayake

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. A.R. Hange, Advocate h/f Mr. R.G. Hange, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATE : 08th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 70 of 2022 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 304, 312, 313, 314, 315 and 316 read with Section 34 of the Indian Penal Code, under Sections 3, 4, 5, 6, 22, 23, 25 and 29 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1988 and under Sections 3, 4(b), 5 and 6 of the Medical Termination of Pregnancy Act, 1971.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by P.S.I., Pimpalner Police Station on 08th June, 2022. It is his case that he was entrusted with an enquiry of unnatural death of one Sitabai Gade. During enquiry it was realised that she died due to hemorrhagic shock due to intiaveritoneal haemorrhage due to traumatic uterine perforation. It was also revealed that the deceased was blessed with three daughters. She had again conceived. Her family members wanted her to be blessed with a baby boy. They, therefore, decided to have sex determination test. She was examined at Georai to realise it to be a female fetus. It was decided to go for abortion. The applicant herein runs a pathology lab at Beed. The family members of the deceased were acquainted with him. They, therefore, approached him. He introduced one Seema sister to them. She agreed to abort fetus of the deceased for Rs.35,000/-. The same was done at Bakarwadi, Tq. & Dist. Beed. During the process, the deceased suffered heavy blood loss. Her health deteriorated. She was, therefore, rushed to a hospital. She unfortunately died. The F.I.R., therefore, came to be registered against the applicant and all others involved in the offences in question.

4. On investigation, the charge-sheet has been filed. The role attributed to the applicant is that of having introduced Seema sister to the relations of the deceased. Nothing further has been attributed to him.

Considering his role in the offence in question and the fact that the charge-sheet has been filed, the Court is inclined to grant the applicant bail.

5. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 70 of 2022 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 304, 312, 313, 314, 315 and 316 read with Section 34 of the Indian Penal Code, under Sections 3, 4, 5, 6, 22, 23, 25 and 29 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1988 and under Sections 3, 4(b), 5 and 6 of the Medical Termination of Pregnancy Act, 1971, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD