

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

BAIL APPLICATION NO.1225 OF 2022

Ambalal Subhash Patil (Patel)	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.S.S.Bora, Advocate for applicant
Mr.V.S.Badakh, APP for respondent no.1
Ms.Harsha Lome, Advocate (appointed) for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 29, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0619 of 2021 registered with Shahada Police Station, Dist. Nandurbar.

2. Heard learned counsel appearing for the parties.
3. The First Information Report (FIR) has been lodged by the father of the victim on 13.06.2021. As per his case, his minor daughter was pregnant. Co-accused – Pankaj was responsible for the pregnancy. The applicant herein is residing in the same village. He is, in no way, related to the informant or the co-accused – Pankaj. It is

the case of the prosecution that the applicant herein paid the informant Rs.30,000/- and suggested to subject the victim to Medical Termination of Pregnancy (M.T.P.). The informant, therefore, took the victim first to the Civil Hospital, Nandurbar. The Medical Officer there, declined to do the needful. The applicant herein then told the informant that all the arrangements for M.T.P. have been made and he asked the informant to join the co-accused Shantya Patil and others. As per the case of the prosecution, the co-accused – Shantya Patil and others took the informant and the victim to some place in Madhya Pradesh. The victim was given M.T.P. pills. Abortion thereby took place.

4. Learned counsel appointed to represent the victim and learned APP would submit that the applicant herein is the mastermind of subjecting the victim to M.T.P. There was loss of blood and the victim had to undergo ordeal. They also submitted that the previous bail application moved by the applicant has been rejected post filing the charge sheet. They have, therefore, urged for rejection of the application.

5. Perused the FIR and related papers. Considered the submissions advanced.

6. Post rejection of the previous application moved by the present applicant for bail, the co-accused – Shantya Patil and the Medical Officer, who had given the victim M.T.P. pills, have been granted bail. The role played by the present applicant is more or less similar to that of the co-accused on bail.

7. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0619 of 2021 registered with Shahada Police Station, Dist. Nandurbar, 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 in any manner.

(iv) Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP