

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

**ANTICIPATORY BAIL APPLICATION NO.1271 OF 2022**

Pooja Vinod Gaware

... Applicant

Versus

The State of Maharashtra

... Respondent

...

Mr. Sandeep B. Rajebhosale, Advocate for the Applicant

Mr. S. P. Sonpawale, APP for the Respondent

...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 17<sup>th</sup> October, 2022**

**PER COURT :-**

1. In the FIR in question, initially five accused persons were named. Applicant is arrayed as accused no.2 as Doctor. As per allegations in the FIR, applicant used to conduct sonography tests and used to help the main accused, her brother-in-law Dr. Satish Gaware in medical termination of pregnancy of women who had female foetus.

2. On the basis of the FIR lodged on 30-04-2022, Crime No.144/2022 is registered with Chandanzira Police Station, District Jalna for the offences punishable under Sections 304, 312, 313, 315, 120-B, 201, 52-A and 212 read with 34 of the Indian Penal Code, under Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971, Section 33 of the Maharashtra Medical Practitioner Act,

Sections 3 & 6 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Section 6 of the Maharashtra Nursing Home Registration Act, 1949.

3. After completion of the investigation, charge-sheet is filed on 20-07-2022 against 10 accused persons, and the case is numbered as RCC No.646 of 2022. Applicant (Dr. Pooja Vinod Gaware) is named as accused no.8. She is shown as absconding.

4. Perusal of investigation papers filed along with charge-sheet reveals that, except the informant, name of the applicant is taken by co-accused no.2. *Prima facie*, there does not appear any material to show the involvement of applicant in the present offence. The patients whose sonography is conducted and whose pregnancy is terminated, also do not name the present applicant.

5. Applicant is taking education in BHMS and her bonafide certificate is placed on record. She appears to be second year medical student. The learned Advocate for the applicant, on instructions, submits that, she has to fill the examination form by 19<sup>th</sup> October, 2022 for second year, third semester exam. In that view of the matter, custodial interrogation of the applicant does not seem necessary in the facts of the present case.

6. Application is, therefore, allowed.

7. In the event of arrest of applicant, namely, Pooja Vinod Gaware, in connection with Crime No.144/2022, registered with Chandanzira Police Station, District Jalna for the offences punishable under Sections 304, 312, 313, 315, 120-B, 201, 52-A and 212 read with 34 of the Indian Penal Code, under Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971, Section 33 of the Maharashtra Medical Practitioner Act, 1961, Sections 3 & 6 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Section 6 of the Maharashtra Nursing Home Registration Act, 1949, applicant shall be released on bail on furnishing P.R. bond and surety bond of Rs.15000/-, with one surety in the like amount.
8. Applicant shall attend the concerned Police Station as and when called by the Investigating Officer.
9. Applicant shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI, J.]**

*Sameer*