

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1911 OF 2022
WITH APPLICATION/4378/2022 IN BA/1911/2022

NARAYAN S/O. ASHOK NIMBALKAR
VERSUS
STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Rashmi Kulkarni h/f. Mr. S. S. Kulkarni
and Mr. V. S. Kadam
A.P.P. for Respondent/State : Mr. K. S. Patil

...
WITH BA/1922/2022

SATISH BALU SONWANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Dhanraj S. Ingole h/f.
Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 21-12-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. Applicant – Narayan s/o. Ashok Nimbalkar is the brother of the deceased, who was unauthorizedly aborted. The applicant Satish s/o. Balu Sonwane was allegedly a technician operating the portable X-ray machine, owned by another co-accused - Satish, who has been granted bail. The common argument of the learned

counsel for the applicants was that the material investigation has been over. The chargesheet has been filed. The role attributed to the applicants is not serious. They never had an intention to lose the life of the child and his mother. Applicant - Narayan was literate about such type of abortion. He had no intention to kill his sister. It was mistake of Nurse, who did unauthorized abortion. However, she committed suicide.

3. The learned A.P.P. for the respondent/State has opposed the application contending that the offence is serious. The applicant has committed a crime with knowledge that a woman may die. The persons performing the unauthorized abortion were not expert and due to lack of knowledge, a lady has lost the life. Hence, bail may not be granted.

4. Perused the papers. Considered the role attributed to the applicants. The Court has sympathy with a woman, who has lost the life. Be that as it may, the applicants are behind bar for sufficient period. Their detention would serve no purpose. Hence, the Court is of the view that they deserve bail. Hence, the following order :-

- i) Both Applications No. 1911 and 1922 of 2022 are allowed.
- ii) Applicant - Narayan s/o. Ashok Nimbalkar in B.A.No.1911 of 2022 and applicant - Satish s/o. Balu

Sonwane in B.A.No.1922 of 2022, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in C.R.No.0070 of 2022 registered with Pimpalner Police Station, District Beed, for the offence punishable under Sections 304, 312, 314, 315, 316 read with Section 34 of the Indian Penal Code and Sections 4, 3, 5, 6, 22, 23, 25, 29 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, and Sections 3, 34, 5, 6 of the Medical Termination of Pregnancy Act, 1971, on the condition to attend the trial on each and every effective date of hearing.

- iii) Criminal Application No.4378 of 2022 stands disposed of as not pressed.
- iii) Parties to act upon authenticated copy of this order.

(S. G. MEHARE)
JUDGE

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