

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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO.795 OF 2022**

Vrrishali Vidhyadhar Borade

...Applicant

Vs.

The State of Maharashtra

... Respondent

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Mr.A.P. Mundargi, Senior Advocate a/w Mr.Viresh V. Purwant  
and Mr.Hrishikesh Kale for the Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

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**CORAM : C.V. BHADANG, J.**

**DATE : 25 MARCH 2022**

**P.C.**

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.819 of 2021 registered with Sadar Bazar Police Station, under Section 376(i)(j), 376(3), 312, 201 read with Section 34 of Indian Penal Code and Section 4,8,12 and 21 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO' for short) and section 4 of the Medical Termination of Pregnancy Act, 1971 ('MTP' for short), is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 29 December 2021 lodged by the mother of the victim girl who was aged about 16 years on the date of the

incident. The allegation is that the Accused No.1 had sexually abused the victim. The victim mentioned in the FIR was carrying a pregnancy out of the relationship and has since delivered a child. It transpired during the course of the investigation that there was a second girl/victim with whom also the Accused No.1 had sexual relations and the second girl was also carrying a pregnancy out of the relationship.

3. The allegation insofar as the present Applicant, who is a medical practitioner, running a licensed MTP Center is that she had medically terminated the pregnancy of the second victim.

4. I have heard the learned Senior counsel for the Applicant and the learned Additional Public Prosecutor. Perused record.

5. It is submitted by the learned Senior Counsel for the Applicant that the offence under Section 312 of IPC as well as under Section 21 of the POCSO Act are bailable. The learned counsel has produced a compilation of the documents showing the qualification of the Applicant and the license dated 14 November 2017 which is shown to be signed on 8 December 2017 showing that the Applicant is conducting an authorized MTP Center.

6. The learned Sessions Judge has brushed aside the said aspect, saying that there is nothing on record to show that when the pregnancy was terminated the Applicant was holding a license to operate the MTP Centre.

7. In my considered view, the offence as invoked under the IPC as well as POCSO are bailable and insofar as the offence if any under the MTP Act is concerned, it is *prima facie* shown that the Applicant was having a license to run a MTP Center.

8. It can be seen that the Applicant can not have any complicity insofar as the offence under Section 376 of the IPC is concerned not even of abetment as the role of the Applicant, if any, is subsequent to the alleged sexual abuse of the second victim.

9. In that view of the matter, the following order is passed.

### **ORDER**

(i) In the event of her arrest in connection with investigation of Crime No.819 of 2021 registered with Sadar Bazar Police Station, the Applicant-Vrrishali Vidhyadhar Borade, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties, in the like amount.

(ii) The applicant shall report to the Investigating Officer as and when called by the investigating officer and shall co-operate with the Investigating Agency by production of the necessary documents/license.

(iii) The Criminal Application is disposed of in the aforesaid terms.

**C.V. BHADANG, J.**