

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3045 OF 2022

Prafull Anil Gurav ... Applicant
Versus
State of Maharashtra ... Respondent

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Mr. Aniket Nikam instructed by Mr. Amit Icham for the Applicant.
Mr. V.B. Konde Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 1 DECEMBER 2022

P.C. :-

1. The learned Counsel for the applicant seeks leave to correct the name of the present applicant. Leave as sought is granted. Necessary amendment to be carried out forthwith.

2. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

3. The applicant came to be arrested in Crime No. 117 of 2022 registered at MIDC Police Station, Raigad for the offence punishable under Sections 313, 308 r/w. 34 of Indian Penal Code and Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971.

4. According to the prosecution, the wife of the present applicant was pregnant. As they were having two daughters, the present

This order is corrected pursuant to the Speaking to
Minutes of the Order dated 22 December 2022.

applicant got conducted sex determination test. It is alleged that as in the sex determination test, the foetus was found to be of girl child, the applicant made his wife to terminate the pregnancy, though he was aware that it would be life threatening for his wife.

5. I have heard the learned Counsel for the applicant and the learned APP for the State.

6. It appears that after the alleged termination of pregnancy, the wife of the present applicant was admitted in Sassoon Hospital. Thereafter her statement was recorded and on the basis of said statement, a complaint was lodged by PSI Prajakta Dhapate. The wife of the present applicant submitted the affidavit before the Sessions Court wherein she has stated that her pregnancy was terminated with her consent. The present applicant is in jail for about 1½ months. Considering the facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Prafull Anil Gurav be released on bail in Crime No. 117 of 2022 registered at MIDC Police Station, Raigad for the offence punishable under Sections 313, 308 r/w. 34 of Indian Penal Code and Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2022.12.22
14:42:40 +0530

(N.R. BORKAR, J.)