

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

ANTICIPATORY BAIL APPLICATION NO. 310 OF 2023

Sonali Udhav Kalkumbe

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. N.S. Ghanekar, Advocate for applicant
Ms. R.P. Gour, A.P.P. for respondents
....

CORAM : R.G. AVACHAT, J.
DATE : 10th APRIL, 2023

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 37 of 2023 registered with Bidkin Police Station, Dist. Aurangabad for the offences punishable under Sections 313, 315 and 316 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. The crime has been registered at the instance of Police Sub-Inspector attached to Bidkin Police Station. The sum and substance of the allegations in the F.I.R. are that the present applicant runs a medical clinic at ChittEGAON. One Amol Jadhav is said to be the husband of the present

applicant. He does not hold any degree or even diploma in medicine. A lady by name Priti was taken to the clinic of the present applicant for undergoing abortion. Both, the applicant and her so called husband – Amol Jadhav got the victim admitted to their clinic. They allegedly administered her saline. Since condition of the victim worsen, they referred her to Government Medical College and Hospital, Aurangabad. Fortunately the victim is now safe.

4. The applicant is a woman. It is informed that she was in advance stage of pregnancy (9th month) when the victim was allegedly treated in the concerned clinic. It is also informed that present applicant has delivered a baby on 19th January, 2023. In view of above and also considering the fact the applicant is a mother of a new born, the Court is inclined to grant the applicant protection even though learned A.P.P. submits that the applicant being B.H.M.S. has no authority to treat the patient for termination of pregnancy.

5. In the result, order dated 08th March, 2023, granting the applicant interim anticipatory bail, is hereby made absolute. The applicant shall appear before the investigating officer, as and when required for the investigating purpose. The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD