

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

ANTICIPATORY BAIL APPLICATION NO.1796 OF 2022

**RISHIKESH BHAGWAT NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. R. G. Hange, Advocate for Applicant
Mrs. R. P. Gour, APP for Respondents – State
Mr. K. D. Bade Patil, Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.494/2022, registered with Shivaji Nagar Police Station, Beed, for offences punishable under Sections 312, 313, 420, 324, 498-A, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by the wife of applicant alleging that her marriage with applicant was solemnized on 12/05/2019. Thereafter she started residing in the joint family of in-laws. After eight days of marriage, the in-laws started telling her that they were not treated properly and proper gifts were not given to them in the marriage. They were asking her to bring Rs.4 Lakhs from her maternal home. Applicant was working as Branch Manager in Morwa Central Bank of India, Luknow, Uttar Pradesh. He left for attending duty after 15 days of marriage. The in-laws were harassing her on

account of petty household reasons. It is further alleged that in the year 2020 informant became pregnant. Applicant gave her tablets, after taking which her child was aborted. In April, 2022 informant was driven out of matrimonial house. There were settlement talks between relatives of informant and applicant on 21/10/2022. In the said meeting, the in-laws refused to allow informant to cohabit. Hence, she lodged the FIR.

3. Heard learned advocate for applicant, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the investigation papers.

4. Statement of the Doctor who performed abortion shows that informant and applicant had approached him. The heartbeats of foetus had stopped. Growth of the foetus was less by four to five weeks. He diagnosed 'missed abortion' in the sonography. He advised medical abortion and for that purpose, after obtaining consent of applicant and informant, he prescribed tablets for abortion. After taking those tablets the foetus was aborted. Except the statements of informant and her maternal relatives, there is nothing on record to show alleged harassment or ill-treatment caused to the informant.

5. Investigation is almost complete. Nothing is to be recovered from applicant. Pre-trial custodial detention of applicant is not warranted in the facts of the present case.

6. In the result, application is allowed by confirming interim order dated 27/12/2022. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)