



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1803 OF 2023**

Shekhar R. Dhumal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket Nikam, Mr. Varad Ozarkar and Mr. Ashok Yadav i/b
Mr. Amit Icham for the Applicant.
Mr. A.R. Kapadnis, APP for the Respondent/State.

CORAM : N. R. BORKAR, J.
DATE : 29 AUGUST 2023.

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

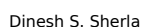
2. The applicant came to be arrested in Crime No.57 of 2022 registered at Dadra Sagari Police Station for the offences punishable under Sections 304, 308, 312, 313, 314, 323 and 498-A read with 34 of the Indian Penal Code and Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

4. The deceased was the wife of co-accused Roshan Koli. According to the prosecution, the deceased was taken to the Clinic of the present applicant for abortion, as the husband and other co-accused who are relatives of the husband were suspecting that the deceased had become pregnant due to some illicit relationship. It is alleged that the applicant, who was neither registered Medical Practitioner nor was his Clinic approved for M.T.P., conducted abortion in most unscientific manner which led to the death of the deceased.

5. The learned counsel for the applicant submitted that the applicant is having a degree of Bachelor of Sudh Ayurvedic Medicine, which is equivalent to Degree of B.A.M.S. It is submitted that the applicant is aged about 67 years and is in jail for about 1 year and 4 months. It is submitted that further detention of the applicant is not necessary and therefore, the applicant may be released on bail.

6. On the other hand, the learned APP submits that considering the overall facts and circumstances of the case and the way the abortion was conducted, the applicant may not be released on bail.



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3. I state that all the aforesaid has been explained to me in vernacular language and I state that the same is true and correct whatever stated hereinabove is true and correct.

VERIFICATION

I, Shekhar Ramdas Dhumal, Age: 69 years, R/o - Plot No. 228, Kanchan Bungalow, Huda, Tal. Pen. (At present Talga Central Prison, Navi Mumbai), the Applicant above named, do hereby solemnly affirm and state on behalf of myself that the contents of the aforesaid paragraphs are true to the best of my knowledge, belief and information and all the aforesaid has been explained to me in vernacular language and I state that the same is true and correct.

Solemnly affirmed at)

This day of August, 2023)

Dependent

Identified by me:


 पुस्तकाधिकारी सेपी-२
 लखनऊ महानगरी कारागृह
 लखनऊ

8. Considering the overall facts and circumstances of the case and as the trial has not yet commenced, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No.57 of 2022 registered at Dadra Sagari Police Station for the offences punishable under Sections 304, 308, 312, 313, 314, 323 and 498-A read with 34 of the Indian Penal Code and Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday in between 11:00 a.m. to 2:00 p.m. till conclusion of trial.

(N. R. BORKAR,J.)