



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

BAIL APPLICATION NO.1833/2023

DR. RAJENDRAKUMAR VIJAY KENDRE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Arun D. Mishra for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 313, 308, 315(a) read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3, 4 and 5 of the Medical Termination and Pregnancy Act, 1971, registered on 4/10/2022 vide C.R. No.117/2022 with A.P.I. MIDC Raigad Police Station.

3. The complaint is lodged by the victim who stated that her husband took her to a village where one of the co-accused who is a doctor did Sonography. The victim did not

want the child. The victim was, therefore, taken to the hospital of the present applicant at Birwadi. The victim stated that her pregnancy was terminated.

4. According to the prosecution, the applicant was not authorized and competent to conduct the medical termination of the pregnancy.

5. Learned counsel for the applicant submitted that the victim came to clinic with history of bleeding. There was no termination of pregnancy involved. The procedure performed was dilation and curating.

6. Learned APP opposed the application for bail. My attention is invited to the statement of the victim who stated that the procedure was conducted in a cruel manner.

7. The applicant was arrested on 6/10/2022 and now is in custody for more than one year with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. In my view, any further incarceration can only be by way of a pre-trial punishment. The applicant will face the consequences post trial if the charges levelled against him are proved. There are no criminal antecedents reported against the applicant.

The applicant does not appear to be a flight risk. In the facts and circumstances of the case, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Dr. Rajendrakumar Vijay Kendre in connection with C.R. No.117/2022 registered with A.P.I. MIDC Raigad Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of A.P.I. MIDC Raigad Police Station once in two months that is on first Monday of every alternate month between 11.00 a.m. and 1.00 p.m. commencing from December, 2023, till the trial concludes.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) The applicant shall not establish contact or try to threaten the victim or her family members.

8. The application is disposed of.

(M. S. KARNIK, J.)