

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

CRIMINAL BAIL APPLICATION NO. 3788 OF 2022

Vishal Ramsaraoj Yadav

...Applicant

V/s.

The State of Maharashtra

... Respondent

**NILAM
SANTOSH
KAMBLE**

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NILAM SANTOSH
KAMBLE
Date: 2023.10.20
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Mr.Ritesh Ratnam, for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.81 of 2021 registered with Taloja Police Station, Raigad for the offence punishable under Sections 313 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, Applicant had love marriage with Complainant. There were consensual sexual relations between them. Complainant got pregnant. Applicant wanted abortion but Complainant was not ready. Hence,

Applicant had forcefully put one abortion pill in mouth of Complainant and put two pills in private part of Complainant. The Applicant went to his village, his mobile phone was switched off. The Complainant went to railway station to see Applicant, there Complainant got unwell. Thereafter she lodged Complainant against Applicant.

3. It is contention of the learned counsel for the Applicant that, Applicant had not given abortion pills to the victim. By inserting the abortion pills in private part abortion cannot be happened. The victim herself had taken the abortion pills as her own. She is blaming to Applicant. The learned counsel further submitted that, Applicant is behind bar more than 1 year 4 months. Yet charge has not been framed. Hence, requested to allow the Application.

4. It is contention of the learned APP that, Applicant had forcefully put abortion pill in mouth of victim and her private part. Due to the said pill the child died in womb. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The allegations against the Applicant are that, Applicant forcefully put abortion pill in mouth of victim and in her private part. It is part of evidence how abortion of Complainant caused. Applicant is behind bar more than 1 year and 4 months. Investigation is completed and charge-sheet has been filed. Yet trial has not started it may take time. Considering above facts, further detention of the Applicant is not required.

7. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.81 of 2021 registered with Taloja Police Station, District-Raigad on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Taloja Police Station, District-Raigad once in a month i.e. on every 1st Monday of the month

between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)