



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 1083 OF 2024

1. SHAKUNTALA W/O BHIM MORE

2. SUNITA GANPAT SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Madake Datta A.

APP for Respondents-State : Mr. S. B. Pulkundwar.

Advocate for Informant to assist APP : Mr. S. N. Patil h/f Mr. S.
R. Zambare.

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CORAM : S. G. MEHARE, J.

DATE : 15.10.2024

PER COURT :-

1. Heard the learned counsel for the applicants, learned APP for the respondents-State and learned counsel for the victim.

2. The applicants seek pre-arrest bail in Crime No.208 of 2024, registered with Aurad Shahajini Police Station, District Latur, for the offences punishable under Sections 312, 315, 452, 323, 504, 506 read with Section 34 of the IPC.

3. It has been alleged against the applicants that on 30.05.2024 they beat the first informant by fists and blows for not giving way to their field. On the said report, when the

crime was registered Sections 312 and 315 of the IPC were not applied. Subsequently, those sections were added.

4. Learned counsel for the applicants would submit that there is no exact opinion of the Doctor that the first informant was aborted due to the acts of the applicant. They did not know she was pregnant of one and half month. The treating doctor of her was not Gynecologist. She was immediately admitted to the hospital after the incident and she was under a long treatment. No weapons have been used in the crime. It was just a trivial quarrel. The applicants had never an intention to cause her abortion. Therefore, they may be granted anticipatory bail.

5. Learned APP and learned counsel for the victim have vehemently argued that the offence is serious. Due to their overt acts, the victim lost her baby. She has suffered a huge pain due to heavy bleeding. The papers placed on record are sufficient to believe that she was aborted due to the acts of the applicant. There is an apprehension of tampering with the prosecution witnesses. The applicants are the influential persons. They may tamper with the prosecution witnesses. Hence, they are not entitled to anticipatory bail.

6. Learned counsel for the victim would submit that if the Court grant them bail, conditions may be imposed to stay away from the village till the trial is concluded.

7. Perused the papers. The medical opinion placed on record about the abortion is vague. It appears that the Gynecologist did not treat the complainant immediately. The doctor opined that the possibility of abortion cannot be ruled out. There are many reasons for natural abortion. In the absence of use of any weapon and clear opinion of the doctor, the Court is of the view that it would not be harmful to protect them from the arrest. There are no antecedents to their discredit. It was just a quarrel for trivial reason. Whether the applicants were knowing that the complainant was pregnant or not is the matter of appreciation of evidence. Both applicants are married women. Their custodial interrogation is not essential. For the above reasons, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Anticipatory Bail Application is allowed.
- (ii) The order granting them interim protection dated 03.07.2024 **stands confirmed** on the following conditions :

- (a) The applicants should not tamper with the prosecution witnesses.
- (b) They should not contact the victim and pressurize her.
- (c) They should not threat or pressure the witnesses.
- (d) They should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-