



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 BAIL APPLICATION NO. 1819 OF 2024

SANDHYA SUNIL APAR

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chatterji Joydeep.
APP for Respondent-State : Mr. S. B. Pulkundwar.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.296 of 2024, registered with Bhokardan Police Station, District Jalna, for the offences punishable under Sections 91, 88, 61(2), 3(5) and 238 of the Bhartiya Nyaya Sanhita, Section 33(2) of the Maharashtra Medical Practitioner Act, Sections 3-A, 3-B, 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, Sections 3 and 4 of the Medical Termination of Pregnancy Act and Sections 3 and 6 of the Bombay Nursing Home Act.

3. It has been alleged against the applicant that she was a nurse with main accused Dr. Dilip Rajput. She was assisting him in illegal termination of pregnancy. A large number of patients were in her contact. She was providing the abortion pills to the patients who do not wanted to have a child and was also applying saline to such patients. She was all the while with Doctor and she was benefited from him. Before joining Dr. Dilip Rajput, she was a nurse at another place. However, Dr. Dilip Rajput paid her more. So, she joined him. She was knowing well that he was in illegal termination of pregnancy and it was offence. She violated her duties as a nurse and she shared a common intention with Dr. Dilip Rajput.

4. Learned APP also added that though there is no direct evidence of receiving money from the patients, she must have been benefitted from Dr. Dilip Rajput, who was just B.H.M.S. and not qualified to do the MTPs. Learned APP would further submit that she was also assisting to disappear the foetus. Considering the gravity of the offence, it would be harmful to grant her bail.

5. Learned counsel for the applicant would submit that there is evidence of phone calls to her but those phone calls were not about convincing the patients for illegal medical

termination of pregnancy. Those were the phone calls of the husband and relatives of the patients. She being a nurse was bound to assist the doctor. She was acting as per the directions of Dr. Dilip Rajput. She did not receive a single penny from his illegal profession. She is languishing in jail for sufficient time. Hence, she may be granted bail.

6. Perused the papers. The role attributed to the applicant does not appear directly connected with the alleged crime. She being a nurse and working under Dr. Dilip Rajput, should be with him in the operation theater. There is no evidence against her that she at her own providing the pills and applying the saline to the patients. Though the allegations have been made against her that she was assisting to the main accused to disappear the fetus, the evidence to that effect is not available. There is also no evidence to *prima facie* shows that she ever asked or convinced the patients for illegal termination of pregnancy through Dr. Dilip Rajput. Therefore, such allegations raised the doubt whether she was beneficiary from such illegal profession. Considering the role attributed to her and her period of languishing in jail, there appears no substance in keeping her behind bar. However, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SANDHYA SUNIL APAR** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) She should attend the trial on each and every effective date till the trial is concluded.
 - (c) She should not contact the other co-accused till the trial is concluded.
 - (d) She should not involve in the identical crime.

(S. G. MEHARE, J.)

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