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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1572 OF 2023

Dr. Manoharsing Govindsing Raghuwanshi

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Dnyaneshwar S. Bagul, Advocate for the applicant

Mr. N. B. Patil, APP for respondent - State

Ms. Nima R. Suryawanshi, Advocate for informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.383 of 2023 registered with Shirpur City Police Station, District - Dhule for offence punishable under sections 313, 314, 323, 504, 506, 304-A read with 34 of the Indian Penal Code.

2. FIR is lodged by Kashinath Asaram Koli alleging that on 1st November, 2012, Neha, his unmarried daughter, aged about 21 years, was having pain in her abdomen and she disclosed that she had undergone abortion at one hospital. Informant took her to Ganpati Hospital, Shirpur and thereafter to Hire Medical College and Hospital at Dhule for treatment. However, Neha died. The autopsy surgeon found that Neha died due to bleeding

and septicemia due to cut injury in uterus, at the time of abortion. Pooja, sister of Neha disclosed that Neha was four months' pregnant and on 20th October, 2022, co-accused Amrut Mahajan forcibly called Neha at the hospital of applicant and applicant performed abortion of Neha against her wish. Since police did not take action against accused, informant filed complaint before learned Magistrate and pursuant to the directions issued by the learned Magistrate, present FIR has been lodged. Charge sheet in the present crime is filed on 19th October, 2023.

3. Heard learned advocate for applicant, learned APP for the State and learned advocate for informant. Perused the charge sheet.

4. Investigating Officer has visited the Hospital of applicant and seized OPD register. CCTV footage of the date of incident, was asked for by the Investigating Officer, however, applicant submitted that CCTV footage of only 40 days at a time is available and since the alleged incident has taken place on 20th October, 2022, CCTV footage of the said date is not available.

5. Applicant is a medical practitioner, aged 75 years and is practicing since last 40 years at Dhule. Applicant has earned reputation in society and if arrested, his image will be tarnished.

Applicant has deep roots in the society. FIR is belatedly lodged after 10 months of the alleged incident and the delay is not explained.

6. Applicant was granted interim protection and he has co-operated in the investigation. Charge sheet is already filed and, therefore, custodial interrogation of applicant is not warranted in the facts of the present case.

7. Application is, therefore, allowed by confirming the interim protection granted to applicant. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**