

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

CRIMINAL BAIL APPLICATION NO. 543 OF 2024

Sushma Kishor Gaikwad

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Manoj S. Mohite i/b Mr. Jaydeep D. Mane, Advocate for Applicant.

Mr. Pankaj P. Deokar, APP for State-Respondent.

Mr. S. H. Pawar, P. C., Barshi Police Station, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 7th AUGUST, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No. 586 of 2023 registered with Barshi City Police Station, Dist. Solapur, for the offences punishable under Sections 313, 315 and 316 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 5(2), (3), (4), 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and Sections 2(d), 4(b) and 5(2) of the Medical Termination of Pregnancy Act, 1971.

3) The applicant is the Nurse and allegedly assisted in illegal termination of pregnancy. This Court granted bail to co-accused. Though the role of the applicant cannot be said as similar with the co-accused, who have been granted bail, however, considering the nature of allegations against the applicant and the material collected by the Investigating Officer during the investigation, the applicant being a lady and she is in jail from last about more than one year, I am of the opinion that though the learned APP is strongly opposing the application, her further custody is not required. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Barshi City Police Station, Dist. Solapur, for the offences punishable under Sections 313, 315 and 316 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 5(2), (3), (4), 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and Sections 2(d), 4(b) and 5(2) of the Medical Termination of Pregnancy Act, 1971, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii. The applicant shall attend on 1st day of each month between 10:00 am and 12:00 noon, till conclusion of the trial; except on the date of trial.

- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]