



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 BAIL APPLICATION NO. 1240 OF 2025

SUNITA ANIL SAPKALE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Hange Rajendra G.

APP for Respondent/State: Mr. N. D. Batule

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 07.12.2023 in connection with Crime No.53/2023, dated 06.02.2023, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 312, 315, 316, 201, 34 of the Indian Penal Code, 1860.

3] The case is registered for the illegal abortion against the applicant / accused. The charge against the present applicant is that she had given medicines to the witness Vandana Gaikwad, whereby incomplete abortion had taken place. Thereafter, the witness was taken to the hospital and complete abortion was done. It is stated that

the applicant had given the pills in her own house and conducted the abortion.

4] The learned counsel for the applicant submits that the applicant has no antecedents and that she is arrested on 07.12.2023 and continued to be in custody till date.

5] The learned counsel further submits that at the highest from the facts as narrated by the prosecution it would mean that the offence under Section 312 alone would come into play and offences as alleged under Sections 315 and 316 would not apply to this case.

6] He submits that the case is that the applicant had given tablets to the witness who had gone there to get the abortion done and is accompanied by her husband. This case would fall at best would be for illegal termination of pregnancy. However, only the IPC sections are invoked against the applicant.

7] The learned APP submits that the offence would also fall under Section 315 and 316. He submits that Crime No.199/2023 is registered against the applicant. However, learned counsel for the applicant submits that he is acquitted in the said offence.

8] Prima facie, it would be difficult to accept that Section 315 and Section 316 would apply to this case. This case relates to an illegal abortion done by the applicant at the instance of the mother and father of the fetus. The age of the fetus is not known, as such, it is also not possible to ascertain whether the fetus could have born alive. The mother has also not made any grievance against the applicant.

9] Considering the above and that the applicant is in jail for one and half year and the trial may take substantial time to conclude, bail can be granted to the applicant.

10] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.53/2023, dated 06.02.2023, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 312, 315, 316, 201, 34 of the Indian Penal Code, 1860, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

12] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13] It is further clarified that the observations made in this order are prima-facie only.

14] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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