



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

ANTICIPATORY BAIL APPLICATION NO. 243 OF 2025

Sunita Ramling Jadhav

...Applicant

V/s

State Of Maharashtra

...Respondent

...

Adv. Priyal G. Sarda a/w Rajesh Ranglani, Seema Dighe for the Applicant.

Adv. Rutuja A. Ambekar, APP for the State.

Mr. Balasaheb Kharade, HC/1729, Barshi City Police Station.

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CORAM : RAJESH S. PATIL, J.

DATED : 5th FEBRUARY, 2025

P.C.:

1. The Applicant has filed the present Application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 for apprehending her arrest in C. R. No. 586 of 2023 registered with Barshi City Police Station, Dist- Solapur for the offences punishable under Section 313, 317, 316 and 34 of the Indian Penal Code, 1860 and 4, 5(2)(3)(4) and 6(c) of the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 and 2(d), 4(b) and 7(2) of the Medical Termination of Pregnancy Act, 1971.

2. It is case of the prosecution that the police on 22nd July, 2023 received an information that illegal abortions are being carried out at a residential place at Kasarwadi Road, Barshi. The police hence called the informant in the Police Station and after understanding the facts, the First informant and Police along with two panchas proceeded immediately in a private car to investigate the matter. Around 8.15pm, they reached the aforementioned location and conducting a search in accordance with the information. They found a women was entering the residence in a suspicious manner with a bag in hand at around 9.00pm. Observing the said fact, the police and First Informant entered into the said residence. After reaching the residence, they entered into the bedroom where they found four women present, one of whom was lying on the bed and the other three were standing nearby. The Police inquired about the woman lying on bed, she identified herself as Hema Mahadev Shete and told the police that she was accompanied to this place by her mother Sheela Sugreev Hire. It is further submitted that Hema and her mother had being to the place for the purpose of her abortion. The other two females identified themselves as Shushma Kishore Gaikwad and Uma Baburao Sarvade. The police thereafter seized certain tablets and

injections from the spot. The police thereafter questioned the two women as regards the seized tablets and injection, they disclosed that they were performing an abortion of Hema Shete following instructions provided by the Doctor at the sonography center in Barshi, who had informed that Hema was carrying a female fetus. They further informed that they had given abortion tablets to Hema for the purpose of abortion. After some time, Hema complained about stomach pain. The police therefore arrange to sent her and her mother to the Rural Hospital at Barshi. However while she taken to the Rural Hospital, she suffered miscarriage and the fetus (deceased female) was delivered.

3. Following this, Hema, her mother and the fetus were sent to the District Rural Hospital Solapur for further treatment. The Police thereafter took two women to the Police Station for questioning, during which, they admitted to being involved in illegal abortions for the past 5-6 months. They informed that they were working for agents namely Dada Surve, Sonu Bhosle and Sunita Jadhav. They further submits that Nanda Gaikwad assisted them in the abortion process and they obtained illegal tablets from

Rahul Barhiram as a result of which FIR was lodged on 23rd July, 2023 against the present Applicant and others. The chargesheet has been filed against the co-accused on 9th October, 2023 and case has been registered as R.C. C. No. 607 of 2023. Thereafter, the case was committed to the Session Judge at Barshi. It is further submitted that Applicant had approached the Sessions Court at Barshi by way of filing Anticipatory Bail Application No. 504 of 2024. However, the said Application was rejected by order dated 10th October, 2024. Hence, the present Anticipatory Bail Application is filed.

4. Mr. Sarda, learned counsel for the Applicant submits that the Applicant has been falsely implicated in the present offences. He submits that the Applicant is actively participated in many social events during this period. The Applicant was present at her house from the date of registration of FIR till date as the police machinery knows that the Applicant is not accused in the present C.R. He submits that even in the statement of the witness (Suvarna Tate), it is stated that the Applicant has only directed witness for determination of sex of the fetus.

5. The learned APP for the State submitted that there are at least three witnesses whose statements have been recorded who mentioned the name of the present Applicant. The chargesheet has been filed against rest of the Accused but since the present Applicant/accused has not co-operated with the police authorities, the chargesheet has not been filed against her. In the FIR, the role of the present Applicant has been specifically mentioned.

6. By considering the documents placed on record and the allegations against the present applicant pertains to heinous offences of sex determination and illegal termination of pregnancies. Additionally, the Applicant being a social worker, cannot be used as the shield to evade the criminal proceedings.

7. It is clear from the record that, *prima facie*, the chargesheet demonstrates sufficient evidence through various statements of witnesses against the present Applicant, about her involvement in facilitating such heinous offences, including supplying of many women and counseling them for the sex

determination tests. Hence, she has played a major role in commission of such heinous offences. Moreover, the *modus operandi* cannot be unearth, if the Applicant is granted Anticipatory Bail.

8. Even the learned Sessions Court has mentioned in its order rejecting present Applicant's Anticipatory Bail that she is absconding. Therefore, considering the gravity of the alleged offences, the Applicant's *prima facie* involvement necessitates her custodial interrogation.

9. I am guided by the findings recorded by the learned Single Judge of the Punjab and Haryana High Court in ***Narender Duhan Vs. State of Haryana*** in ***[CRM-M 46632 of 2023]***, which heavily relied upon decision of the Hon'ble Supreme Court in ***Rekha Sengar Vs. State of Madhya Pradesh [(2021)3 SCC 723]***, which held that no leniency should be granted at the instant stage where there is strong *prima facie* case against the accused and had more active role in conducting such illegal practices of sex determination and illegal termination of pregnancies. Therefore, a

strict approach has to be opted to eliminate scourge of female foeticide and inequality towards girl children from society.

10. After going through the FIR and after considering the submissions, in my opinion, no case has been made out for granting any protective order in favour of the Applicant.

11. In view of the same, **the Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)