

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2062 OF 2025

Mrs. Usha Nivrutti Budhwant ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Vagal a/w Ms. Savvy Kolhekar and Ms. Juhi Kadu, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

PSI Mr. P. Relekar attached to Talegaon M.I.D.C. Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th JUNE 2025.

P.C. :

1. Heard Mr. Aniket Vagal alongwith Ms. Savvy Kolhekar and Ms. Juhi Kadu, learned Advocates for the Applicant and Mr. Amit Palkar, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 160 of 2024 registered with Talegaon M.I.D.C. Police Station at Pimpri-Chinchwad for the offence punishable under Sections 103(1), 105, 238, 90 and 3(5) of Bharatiya Nyaya Sanhita, 2023, ("**BNS**" for short).

3. Case of the prosecution is that the deceased Samrin Nisar

Nevarekar was taken to Amar Hospital for medical termination of pregnancy. During the operation she succumbed. The cause of death is shown as 'Cardio Respiratory Arrest'. Prosecution claims that the Applicant (Accused No. 3) was an Agent/middle person, who used to solicit client for the doctor (Accused No. 4).

4. Applicant was arrested on 24th July 2024 and since then she is in jail.

5. Mr. Aniket Vagal, learned Advocate for the Applicant submits that the only allegation against the Applicant is of acting as an Agent in the context of bringing the deceased to the doctor (Accused No. 4), for the purpose of termination of pregnancy. He submits that though the crime refers to other offences, they pertain to other accused. He submits that there is no material on record to implicate the Applicant in any of the offences charged. He submits that the investigation is complete and the Charge has been framed. He, therefore, prays that for grant of bail.

6. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that though there are allegations of murder of the children of deceased in the said crime, he, however, fairly states that the involvement of Applicant in the present crime is in respect of acting as an Agent. He clarifies that it is the Applicant, who had brought the deceased to the doctor (Accused No. 4) for the purpose of medical termination of pregnancy. He submits that though there are several witnesses in the present crime, they have not named the Applicant with relation to the offences alleged. He states that the Charge is framed and the trial would commence shortly.

7. I have perused the records with the assistance of learned Advocates of the parties.

8. Perusal of First Information Report would indicate that the involvement of Applicant is as an Agent, who has procured a client for the doctor (Accused No. 4). It appears that during the course of abortion, Samrin Nisar Nevarekar lost her life. Records placed before me do not indicate any allegations against the Applicant in relation or with reference to the death or cause of death of the deceased. Similarly, apart from the role assigned to the Applicant, as an Agent of the doctor (Accused No. 4), there are no allegations against the Applicant.

9. Considering the nature of allegations and the involvement of Applicant as referred to in the present crime, Applicant is entitled to bail on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 160 of 2024 registered with Talegaon M.I.D.C. Police Station at Pimpri-Chinchwad for the offence punishable under Sections 103(1), 105, 238, 90 and 3(5) of BNS on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Vadgaon Maval, Pune.
- b. Applicant shall not influence or threaten any witnesses or tamper with the evidence.

- c. Applicant shall co-operate and shall regularly attend the trial as and when the date is fixed, unless exempted by the learned Trial Court.

10. Criminal Bail Application No. 2062 of 2025 stands disposed of in the above terms.

[ASHWIN D. BHOBE, J.]

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