



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

BAIL APPLICATION NO.20 OF 2026

Nandkumar @ Nandu s/o Ramlingappa Swami... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....

Mr. D.R. Kale, Advocate a/w

Mr. M.S. Patil, Advocate for applicant

Mrs. P.V. Diggikar, A.P.P. for respondent – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 11th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.275/2025, registered with Bhoom Police Station, District Dharashiv for the offences punishable under Sections 89, 238(B) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution case is that, a contractor from their

village namely Parameshwar Kadam had undertaken construction of house of the present applicant at village Chinchpur (Dhage) and the informant and her husband were working at the site for two months. The applicant had provided temporary tin sheds at the construction site for the labourers, where the informant and her husband were residing. At the relevant time, the informant was carrying five months pregnancy. It is alleged that, on 12/10/2025, her husband had gone to village Vijora for work. After completing her work at the construction site, at about 7.00 p.m., while she was cooking food, suddenly developed abdominal pain, therefore, informed her husband by using the mobile phone of co-worker. Her husband told her that he would reach in the next morning.

3. It is further alleged that, while she was talking with her husband on the mobile phone, an unknown person working at the site told her that the applicant is a doctor and that he would call him. The applicant arrived at about 7.30 p.m. in a four-wheeler at the site and the informant called near the vehicle. The applicant made her sit inside the vehicle and gave water to drink, made her lie down and examined her by moving a machine over her abdomen and told that the brain of the foetus had some defect and

that he would improve it by administering medicines. Thereafter he gave her one tablet, however, her abdominal pain continued and she could not sleep throughout the night.

4. It is further alleged that, on the next day i.e. on 13/10/2025 at about 8.00 a.m., after her husband returned home, her abdominal pain became severe and she started bleeding, following miscarriage at home. The foetus was visible. Her husband buried the foetus in nearby field and thereafter she was taken to a hospital at Walwad where she was given medicines. It is alleged that, when they returned to Chinchpur (Dhage), the informant assaulted her husband questioning him as to why the foetus was buried in his field and the foetus was removed from the field with the help of another labourer and disposed of elsewhere.

5. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the case. The applicant is not a medical practitioner and therefore, the allegation of administering medicine to the informant is concerned, prima facie, there is no evidence on record to substantiate the allegation against the present applicant. There is no eye witness to the incident. The investigation is complete and charge sheet is filed.

Therefore, further custody of the applicant is not warranted. As such, prayed to allow the application.

6. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence committed by the applicant is serious and due to the medicine administered by the applicant, the informant suffered miscarriage. As such, prayed to reject the application.

7. Having heard learned counsel for both sides and upon perusal of the material record, including Charge Sheet indicates that the applicant allegedly beaten the husband of the informant for having buried the foetus in the field of applicant. However, there are no eye witnesses to the alleged incident. The necessary medical examination is carried out and nothing is to be further recovered or discovered at the instance of the present applicant. As far as the allegations against the applicant of having administered a tablet to cause miscarriage of the informant is concerned, there is prima facie no material on record, except assertion by the informant. Moreover, there is no element of force or coercion attributed against the applicant in relation to the administering the tablets.

8. Nevertheless, the investigation is complete for all intents and purpose. In that view of the matter, further custody of the applicant is not warranted. Considering the number of witnesses the prosecution seeks to examine, the trial is unlikely to commence and conclude within a reasonable period. Therefore, further detention of the applicant would result into pre-trial detention, which would be unjustified. Thus, I am inclined to exercise discretion in favour of the applicant.

9. Hence the order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Nandkumar @ Nandu Ramlingappa Swami, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :

(a) The applicant shall not tamper with the prosecution witnesses in any way.

(b) The applicant shall remain present on each date, unless exempted by the trial Court.

(iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-