

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

Anticipatory Bail Application No.898 of 2026

Gautam Dnyaneshwar Baviskar

Age: 30 yrs, Occ: Job,

R/at – Nimgavhan, Tal-Chopda,

Dist.-Jalgaon.

... Applicant.

Vs.

The State of Maharashtra

(through Police Inspector

Warje Police Station, Pune)

... Respondent.

Ms Pratiksha A Thube a/w Mr Vaibhav Hatkar, Ms Madhavi
Hajari, Ms Rupika Narkar and Mr Abhishek Sibdarkar for
the applicant.

Mr Arfan Sait, APP for the respondent/ State.

PSI AS Naikwade, Warje Malwadi Police Station, Pune.

Coram : R.N.Laddha, J.

Date : 8 April 2026.

P.C. :

The applicant (accused No.3) apprehends arrest in
connection with CR No.45 of 2026, registered at Warje
Malwadi Police Station, Pune, for the offence punishable
under Sections 89 read with 3(5) of the Bharatiya Nyaya
Sanhita, 2023, and has preferred the present application

seeking pre-arrest bail.

2. According to the prosecution, the informant entered into matrimony with Yogeshwar Baviskar (accused No.1), on 14 January 2024. It is alleged that subsequent to the confirmation of her pregnancy, accused No.1, in connivance with his family members, Shobhabai Baviskar (mother-in-law/ accused No.2), the applicant (brother-in-law), and Priyanka Sonawane (sister-in-law, accused No.4), expressed opposition to the continuation of the said pregnancy, notwithstanding medical opinion attesting to the sound health of both the informant and the fetus. On 6 February 2026, accused No.1 is alleged to have deceitfully escorted the informant to a nursing home under the false representation that a surgical excision of a chest lump was to be performed. It is further alleged that, while the informant was under anaesthesia, a medical termination of the pregnancy was carried out without her informed consent. Upon the informant regaining consciousness, accused No.1 purportedly admitted to the deception, stating that he did not desire the birth of the child. On the basis of these allegations, the present FIR has been lodged.

3. Ms Pratiksha Thube, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. It is submitted that the record itself reflects prior medical consultations, sonography reports and interactions with medical practitioners, demonstrating that the prosecution's case is founded entirely upon documentary material. It is further urged that the FIR is an afterthought, inasmuch as there exists an unexplained and inordinate delay in its lodgement. The alleged incident is alleged to have occurred on 6 February 2026, whereas the FIR came to be registered only on 12 February 2026. The learned Counsel further submits that, at its highest, the dispute emanates from matrimonial discord and has been given a criminal colour. It is specifically contended that the allegations, even if taken at face value, do not disclose any overt act or specific role attributable to accused No.3.

4. Furthermore, Ms Thube submits that the applicant has duly complied with all investigative requirements, appeared before the concerned police station, and extended full cooperation to the investigating agency. Moreover, the co-accused have already been granted pre-arrest bail. The

applicant is ready and willing to abide by any conditions this Court deems fit to impose.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, fairly concedes that the applicant has duly attended the concerned police station and cooperated with the investigation. It is further submitted that the investigation has now reached its conclusion and that all necessary steps, including the collection of relevant material and recording of statements, have been completed. On instructions from the investigating officer present in the Court, the learned APP submits that the applicant's custodial interrogation is not required.

6. This Court has given anxious consideration to the submissions canvassed across the Bar and perused the records.

7. It appears from the record that all medical procedures in question were carried out within the premises of a duly recognised and accredited hospital, and in accordance with professional medical advice tendered by qualified practitioners. The record further discloses that the informant underwent requisite medical consultations,

diagnostic sonography examinations, and deliberations with attending physicians prior to the procedure. The prosecution case, however, rests solely upon the assertions of the informant, without any corroborative or independent material to substantiate the allegations of consent or the imputation of mala fides. *Prima facie*, therefore, the record does not reveal any material which could reasonably support the contention that the medical interventions were undertaken without lawful consent or with ulterior motives.

8. Upon a plain reading of the statements of the medical officer and the attending nurse, it becomes evident that the informant had been duly informed of the nature, implications, and consequences of the medical procedure in question. The record further discloses that the informant, with full knowledge and understanding, had voluntarily accorded her consent for the termination of pregnancy. Their statements do not indicate that such consent was obtained by coercion, misrepresentation, or undue influence.

9. A comprehensive perusal of the allegations, as set out in the FIR and the material collected during the course of

investigation, does not, prima facie, disclose the commission of any specific or overt act attributable to accused No.3. The allegations against the said accused appear to be general and omnibus in nature, lacking the necessary particulars to sustain their implication. The learned APP fairly concedes that the custodial interrogation of the applicant is not necessary. It is also not in dispute that the investigation has reached its culmination, and no further recovery or discovery is contemplated at the instance of the applicant. Moreover, the co-accused have already been granted pre-arrest bail.

10. In view of the aforesaid circumstances and having regard to the settled principles governing the grant of relief in such matters, this Court is of the opinion that no useful purpose would be served by subjecting the applicant to custodial interrogation. The balance tilts in favour of protecting his personal liberty. Accordingly, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.45 of

2026, registered at Warje Malwadi Police Station, Pune, the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned police station as and when required till the filing of the charge sheet.

11. The applications stand disposed of accordingly.

[R. N. Laddha, J.]