



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.531/2026

Sneikh Wahid Sheikh Hamid .Vs. State of Maharashtra, thr. PSO PS Anjangaon Surji,
Dist. Amravati.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. S. Sirpurkar, Advocate for applicant.

Mrs. M. H. Deshmukh, A.P.P. for non applicant-State.

CORAM : M. M. NERLIKAR, J.

DATE : MAY 4, 2026.

At the outset, learned counsel for applicant seeks leave to amend the prayer clause.

2. Leave is granted. Necessary amendment be carried out forthwith.

3. Heard learned counsel for the parties.

4. By present application, applicant is seeking regular bail in connection with Crime No.149/2026 dated 23.03.2026, for the offences punishable under Section 4 of the Dowry Prohibition Act, 1961 and Sections 3(5), 89 and 85 of the Bhartiya Nyaya Sanhita, 2023 ("BNS"), registered with Police Station Anjangaon Surji, Tq. Anjangaon Surji, Dist. Amravati.

5. On 23.03.2026, first informant – Madiya Sabin Shaikh Wahid, lodged a report that her husband and in-laws, with a view to abort the pregnancy, harassed her physically as well as mentally. Even after that when the pregnancy was not aborted, she was forced to take abortion pills, which ultimately resulted

in abortion of her pregnancy and caused danger to her life. Pursuant to the report, First Information Report (“FIR”) was registered and applicant along with other accused persons, was taken into custody.

6. Learned counsel for applicant submits the FIR is based on a false and concocted story. The informant herself consented for abortion and thus she ought not to have made such allegations against the applicant. The FIR itself is an afterthought and this fact is apparent from the huge delay caused in lodging it. Consent for abortion was obtained way back on 22.02.2026 and FIR was lodged on 23.03.2026. Even, the other allegations, which are in respect of harassment and cruelty, are general and vague in nature. There is absolutely no evidence or material to show that it was a forceful abortion. Considering the nature of allegations, he be released on bail.

7. On the other hand, learned A.P.P. vehemently opposed the application and submits that it is a case of forceful abortion. Consent was obtained by pressurizing the informant, which can be gathered from the text of the consent letter itself. She further submits that there are serious allegations and the informant was compelled to abort the child, which pregnancy was of one month. She submits that the investigation is underway and, therefore, considering the seriousness of allegations, the applicant is not entitled to be released on bail.

8. I have considered the rival submissions and record. Perusal of the FIR, investigation papers and the case diary shows that the informant was having one month pregnancy.

Consent letter shows that applicant and informant both were not ready to continue with the pregnancy and thus they decided to abort the same. Accordingly, applicant has given abortion pills to the informant, which led to excessive bleeding to the informant. Therefore, they were required to take the informant to Dr. Ande's hospital. So far as prescription of Dr. Ande's hospital is concerned, it nowhere shows that there was any complaint by the informant that her husband has forcefully asked her to abort the child.

9. The applicant is a Government Servant and is behind the bars since 24.03.2026. If released on bail, there is no likelihood of the applicant absconding or violating the conditions of bail. I am, therefore, inclined to grant bail. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant – Sheikh Wahid Sheikh Hamid, be released on regular bail in connection with Crime No.149/2026, registered with Police Station, Anjangaon Dist. Amravati, for the offences punishable under Section 4 of the Dowry Prohibition Act, 1961 and Sections 3(5), 89 and 85 of the Bhartiya Nyaya Sanhita, 2023, on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The applicant shall not enter into the vicinity where the informant and her family is residing.
- (iv) The applicant shall cooperate in the investigation and shall make himself available as and when called by Police Station Officer, Police Station, Anjangaon, Dist. Amravati.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(vi) The applicant shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.

(vii) Once the trial commences, the applicant shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(viii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.

(JUDGE)