

MHCC050067532022



**IN THE COURT OF SESSIONS AT DINDOSHI,  
BORIVALI DIVISION, GOREGAON, MUMBAI.**

**ANTICIPATORY BAIL APPLICATION NO.2022 OF 2022  
IN  
C.R.NO.523 OF 2018**

**MRS. SANGITADEVI BASANTLAL GUPTA,**  
Aged : 29 years, Occu.:Private Service,  
Residing at : Anand Nagar, B.M.C. Colony,  
New Link Road, Jogeshwari (West), Mumbai. **...Applicant/accused.**

**V e r s u s**

**The State of Maharashtra  
(Oshiwara Police Station) ...Respondent.**

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Shri Ramesh Mishra, Advocate for the Applicant/accused.  
Shri Sachin Jadhav, A.P.P for the State.  
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**CORAM : A.Z.KHAN,  
Additional Sessions Judge,  
Borivali Division, Dindoshi, Mumbai.  
(C.R.NO.09)  
Dt.05<sup>th</sup> January, 2022**

**O R D E R**

1. The present application is filed by the applicant/accused for the Anticipatory Bail. Perused the application and say thereon vide

Exh.3 Heard the learned advocate Shri Ramesh Mishra for the applicant/accused & the learned A.P.P Shri Sachin Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alleged to have been committed the offences punishable u/s 315 & 318 of the Indian Penal Code in C.R.No.523 OF 2018 wherein the offence is registered in Oshiwara Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant WPN Sushama Baburao Dhende dt.22.11.2018 alongwith the statements of the witnesses and documents filed by the parties on record etc shows that the present applicant/accused was carrying 08 months pregnancy who came to the Cooper Hospital on 20.11.2018 when she admitted but she got aborted illegally whereby doctor informed to the police in which police registered the offence and investigated the matter and recorded the statement of the witnesses.

3. Obviously, the present applicant/accused is the married woman and residing with her husband wherein she got pregnancy but abortion took place. However, the record nowhere shows that the present applicant/accused got aborted her pregnancy by illegally manner without consent her husband etc. The investigation is already completed by the Investigation Officer. Nothing has to be seized from the present applicant/accused. The applicant/accused is the permanent resident of Anand Nagar, B.M.C. Colony, New Link Road, Jogeshwari (West), Mumbai & the applicant/accused is ready to abide all the terms & conditions imposed by the Court & thus the purpose of the

Investigating Officer would be solved if some reasonable conditions are imposed.

4. In such circumstances, I am of the view that this is the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

**O R D E R**

The application is hereby allowed.

The applicants/accused **MRS. SANGITADEVI BASANTLAL GUPTA** be released in the C.R.No.523 Of 2018 u/s 315 & 318 of the Indian Penal Code registered by Oshiwara Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety each in the like amount in the event of the arrest.

The applicant/accused shall not tamper with the prosecution evidence in any manner.

**(A.Z.Khan)**

Additional Session Judge,  
Borivali Div, Dindoshi,  
Mumbai.

**Date :- 05.01.2023.**

Dictated on	: 05.01.2023.
Transcribed on	: 05.01.2023.
Checked and Signed on	: 05.01.2023.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

**05.01.2023 at 05.50 P.M.**  
**UPLOAD DATE AND TIME**

**Ashok S. Sugdare**  
**NAME OF STENOGRAPHER**

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN</b> <b>(C.R. NO.09)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>05.01.2023</b>
JUDGMENT/ORDER signed by P.O. on	<b>05.01.2023</b>
JUDGMENT/ORDER uploaded on	<b>05.01.2023</b>