

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PUNE.

**CRIMINAL BAIL APPLICATION No.697/2026
(CNR No : MHPU01-001646-2026)**

- 1. Hitesh Shivaji Parge,**
- 2. Indumati Shivaji Parge,**
- 3. Siddhi Ganesh Gosavi.**

-vs- State.

:Order below Exhibit 01:
(Dated 03rd July, 2026)

Applicants are seeking **anticipatory bail** under Section **482 of the Bharatiya Nagarik Suraksha Sanhita, 2023** in Crime No.**485/2025** registered with **Saswad** Police Station, for the offences punishable under Sections **115(2), 118(1), 3(5), 351(2), 352, 85, 89** of the Bharatiya Nyaya Sanhita, 2023.

Facts in short, the prosecution case is as follows -

2] It is alleged that, the complainant is wife of applicant No.1. Their marriage took place on 13/04/2025. After the marriage, complainant came to the house of applicants for cohabitation. Applicant No.1 treated her well for one month. Thereafter, he started suspecting on her character. He was harassing her physically, mentally by saying that, “She is a prostitute and Nalayak lady, her parents have not performed marriage properly”. He was abusing her and beating her. She told this fact to her mother-in-law and parents. They were saying that, they will convince applicant No.1. But the applicant No.1 asked her to bring golden ring at the time of first Diwali festival. Her mother-in-law asked her to bring silver utensils from her parents. Her sister-in-law said to her that, her parents

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have not given proper advise to her, her character is not good, she abused her. The complainant tolerated the ill-treatment. Being fed up with ill-treatment since last 10 months, she came to resides at her maternal home. It is further stated that, on 18/06/2024 at 07.00 p.m. her husband beaten her by leather belt, not taken her to the hospital, taken out her mobile. In August-2024 also her husband beaten her by hand, snatched her golden mangalsutra, abused her, threatened her. In May-2025 meeting was arranged. At that time all the applicants said that, "Her character is not good", they abused her parents, threatened to kill them.

3] By way of supplementary statement, complainant stated that, on 02/07/2024 her monthly cycle was going on. Thereafter on 16/06/2024 she was vomiting and feeling giddiness. Therefore, she asked her husband to bring pregnancy kit and on being checked it, she revealed that she was pregnant. She stated this fact to her husband, mother-in-law and sister-in-law. But her husband got nervous and said that, "It is not necessary to carry forward the pregnancy, after one year they will decide". But she said to her husband that, it is their first child. That time all got angry. Within two days, her husband beaten her. He said to her that, to abort the fetus, he will bring medicine to her. But she refused. That time her husband beat her. On one day her husband beat her by hands and leather belt. Due to said beating, her physical condition was worsen. She was taken to private hospital. Thereafter, she was sent to maternal home. There also her husband was visiting. He was abusing her

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parents and beating her. Before 04-05 days of abortion, her husband beaten her when her parents was outside the house and she was with her grandparents. That time her husband came to her house and said to her to abort the fetus and asked her to bring golden ring and silver utensils from her parents and in case she brought articles then only he will cohabit her. That time complainant said that, she will not bring the articles nor would abort. Thereafter on one day, her husband came to her maternal home. That time he pushed her. Due to which she felt giddiness and fell down. Thereafter, her husband went away and within 02-03 days on sonography, the doctor advised that the abortion should be done. Due to the beating and harassment by the husband and in-laws, she has to undergone abortion. Her husband is solely responsible for her abortion. Hence, on the basis of said statement, Section 89 of BNS came to be added.

4] The applicants in their application stated that, they have not committed any offence. They have been falsely implicated in this offence. The applicant No.1 has filed divorce petition against the complainant bearing M.P No.1794/2025. The applicant No.1 is working in a private company and has reputation in the society. His arrest will damage his future, social image and career. The applicant No.2 is a senior citizen. She has responsibility of her old age mother. Moreover, the applicant No.2 is suffering from old age disease. She is handicapped. The applicant No.2 has reputation in the society. Her arrest will damage her image in the society. The applicant No.3 is a married woman. Her marriage was solemnized prior

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to the marriage of applicant No.1. She is residing at her matrimonial home. She Occasionally resides with the applicants. She has two children. They are depending on her. False complaint has been filed to grab huge money from the applicants. Applicants are permanent residents of given address and they have deep roots in the society. They would obey all the terms and conditions that will be imposed on them. Hence, the present application.

5] The prosecution has filed reply stating that, in this case, Section 89 of BNS has been added. The offence is serious. Possibility of tampering the witnesses. Possibility of threatening the witnesses. Investigation is in progress. Possibility of destroying the evidence. Possibility of creating obstruction in the investigation. Hence, prayed that, application be rejected.

6] The complainant-intervenor appeared and submitted her argument.

7] The learned Advocate for the applicants in their arguments submitted that, divorce proceeding is pending in Family Court. After receipt of notice of that petition, present complaint came to be filed. In FIR there is no mention about abortion. Suddenly new story has been made. Not a single assault is committed by the applicants. The applicant No.1 refused to take wife in the house. He further invited my attention towards discharge summary, sonography report and submitted that abortion was due to the missed abortion. He invited my attention towards the dictionary meaning of missed

abortion and submitted that it was a natural abortion due to some issue in the fetus. It is called as a silent miscarriage. Therefore, according to him, the abortion was not due to the assault by the applicants. He further submitted that, there is no recovery and discovery from the present applicants. The applicant No.1 is working in a private company. Applicant No.2 is old age lady. Applicant No.3 is residing in her matrimonial home. Custodial interrogation of the applicants is not required. They would obey all the terms and conditions that will be imposed on them. Hence, prayed that, the application be allowed.

8] The Ld. A.P.P in his arguments submitted that, abortion was on 12/08/2024. Section 89 of BNS was added. The husband does not want a child. Custodial interrogation with husband is required to be made. The allegations are against the husband. Therefore, he submitted that, custodial interrogation with the husband is required. Hence, prayed that, application be rejected.

9] The learned Advocate for the complainant submitted that, during the period of residence, she has filed nominal NC case. She gave application before Mahila Aayog and thereafter she filed FIR. She invited my attention towards sonography report, discharge summary and submitted that due to the assault by the applicant and applicant No.1 pushed the complainant, she fell down and undergone abortion. The applicant has made false statement that he is serving in a private company. On the contrary, he is in service on compassionate ground. She further

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submitted that, offence under Section 89 of BNS is serious offence. The complainant has gone in depression. Medical treatment is going on. Physical custody of the applicants are required. Hence, prayed that, application be rejected.

10] In reply Ld. Advocate for the applicant submitted that, abortion was due to missed abortion and not by the assault. Hence, prayed that, application be allowed.

11] Perused application, say filed and also gone through the police-papers. It appears that, initially FIR has been registered under Sections 115(2), 118(1), 3(5), 351(2), 352, 85 of the Bharatiya Nyaya Sanhita, 2023. Thereafter supplementary statement of the complainant was recorded. On that basis Section 89 of BNS has been added. Section 89 of BNS is serious offence. Upon perusal of FIR and supplementary statement of complainant, it appears that, the allegations of assault, suspecting on character of complainant is made against the applicant No.1. Further upon reading supplementary statement of the complainant, complainant stated that, her mental condition was not sound. Therefore, at the time of lodging complaint, she has not given details about her abortion. She has not stated to the police that due to the assault by her husband, she has faced abortion.

12] The learned Advocate for the applicants invited my attention towards the discharge summary issued by Sangam Hospital, Pune. The said discharge summary shows missed abortion. He also invited my attention towards dictionary

meaning of missed abortion which shows that, the condition of fetus is such that development of fetus has been stopped or the fetus died in the womb. But it will not cause pain and bleeding. Thus, missed abortion as per the dictionary meaning is the development stopped or fetus died. In the said report, last MC was shown as 02/06/2024. The complainant in her supplementary statement stated that, her last MC was on 02/06/2024. The complainant in her supplementary statement stated that, before 04-05 days of her abortion, her husband came to the house, asked her to abort the fetus. But she refused. That time he pushed her, due to which she fallen on a wooden sofa and she was feeling uncertainty. That time she said to her husband that, due to his act, her child would not sustain, that time he told her that, he does not want the child and said to her, “तू आणि तुझे बाळ मर”. The discharge summary shows that, the abortion is on 12/08/2024. Whether the missed abortion was due to the assault by applicant No.1 or it was a natural, can be decided at the time of trial. As per the supplementary statement, it appears that, after the alleged assault by applicant No.1, complainant has faced missed abortion.

13] The serious allegations are made against husband. The allegations of assault are made against the husband. By way of supplementary statement complainant stated that, due to the assault by her husband, she faced missed abortion. Therefore, considering the nature of offence, it would not be just and proper to release the applicant No.1 on anticipatory bail.

14] So far as regards the applicant Nos.2 and 3 is considered, their role is that they demanded silver articles and abused the complainant by saying that, her character is not good. The allegations does not require any recovery from the applicant Nos.2 and 3. Their role appears to be minor. Therefore, considering the role of applicant Nos.2 and 3, considering the old age and considering the fact that, applicant No.3 is residing in her matrimonial home, it will be just and proper to allow their bail application.

15] In view of above discussion, custodial interrogation with the applicant No.1 is required so far as regards the abortion is considered. Further learned Advocate for the complainant submitted that, formal NC was given, complaint is given to Mahila Aayog and then FIR was lodged. Therefore, I do not find any substance in the submission of Ld. Advocate for accused that, after receipt of notice of divorce petition, the complaint came to be filed. Considering seriousness of offence and role of applicant No.1, his custodial interrogation is required. Therefore, application deserves to be **partly allowed**. Hence, I pass the following order :-

ORDER

1. The application (Exhibit 01) is hereby **partly allowed**.
2. The application of applicant No.1 **Hitesh Shivaji Parge**, is hereby rejected.
3. In the event of arrest of applicant No.2 **Indumati Shivaji Parge** and applicant No.3 **Siddhi Ganesh**

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Gosavi, they be released on executing personal bond and surety bond of Rs.25,000/- each like one or two sureties.

4. The applicant Nos.2 and 3 shall attend concerned police station once in between 11:00 a.m. to 05:00 p.m. in every fortnight, till filing of charge-sheet and to co-operate the police in investigation.
5. The applicant Nos.2 and 3 shall not influence with witnesses and shall not contact the complainant in any manner, till conclusion of trial.
6. The applicant Nos.2 and 3 shall furnish their permanent address and identity card to concern Investigating officer while executing bond.
7. Intimate to concern Investigating officer.

Date : 03/07/2026

(Sucheta M. Takalikar)
Additional Sessions Judge, Pune.

Certificate

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- K.S. Tambe (Steno, Grade-I)

Court Name :- Sucheta M. Takalikar
Additional Sessions Judge, Pune.

Date :- 03/07/2026
order signed by PO. on :- 03/07/2026
order uploaded on :- 03/07/2026