

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

903 ANTICIPATORY BAIL APPLICATION NO.707 OF 2022

BUDDHANAND EKNATH THORAT

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. M.M. Parghane, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22<sup>nd</sup> SEPTEMBER, 2022

**ORDER :**

1           The applicant is apprehending his arrest in connection with Crime No.247/2021 dated 20.07.2021 registered with Bhagya Nagar Police Station, Nanded, Tq. & Dist. Nanded, for the offence punishable under Section 177, 336, 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860 and under Section 65(5), 65(9)(b) of the Drugs and Cosmetics Act, 1945. It will not be out of place to mention here itself that his earlier bail application i.e. Anticipatory Bail Application No.268 of 2022 was disposed of as withdrawn when this Court had shown disinclination to grant any relief to the applicant on 31.03.2022.

2            Heard learned Advocate Mr. M.M. Parghane for the applicant and learned APP Mr. B.V. Virdhe for the respondent.

3            The complainant is the Drug Inspector and it is his story that he had visited a shop by name “Metro Farma” and it was revealed during the scrutiny of record that co-accused Prakash Sudam Lokhande had sold medicine “care kit”, which is combi-pack of ‘Mifepristone and Misoprostol Tablets I.P.’ produced by ‘Sinochem Pharmaceuticals Limited’, a drug used for the purpose of abortion during the period 01.04.2021 to 02.07.2021. Thereafter, it was shown by Prakash Lokhande that he had received various prescriptions from various Doctors on WhatsApp chat and from some Medical Representatives. Further inquiry was conducted and it was revealed that the Doctors whose names were shown had not placed any order and even payment was not made by the Doctors and, therefore, the Medical Representatives, who had forwarded the requisite demand of the medicines, their role was scrutinized and then the First Information Report came to be lodged. The present applicant is the Medical Representative of D.K.T. Health Care India Company.

4            According to the applicant, he was not working in Latur District during the said period and there was no question of putting any kind of

demand by him. Further, the learned Additional Sessions Judge has granted anticipatory bail to Prakash Sudam Lokhande on 17.01.2022 and also to one Malti Dipak Bhorge. This Court had granted anticipatory bail on 26.11.2021. Therefore, on the count of parity also he deserves to be released on bail.

5            Learned APP has strongly opposed the application and submitted that it appears that the applicant is still absconding and thorough investigation is required to be made since it is alleged that he was part of those group of persons, who had placed demand for that drug which is contrary to Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994. Further, it is stated that the letters from various Doctors appear to have been forged and from that angle also investigation needs to be made.

6            At the outset, it is to be noted that the role attributed to Prakash Lokhande is different because he is the owner of the medical shop and it has been revealed that on the basis of alleged demands/orders, he has acted. Similar is the case of Malti Bhorge. She is the owner of said 'Metro Farma, Nanded' and Prakash Lokhande is the registered Pharmacist. Along with the explanation said Prakash Lokhande has produced certain documents, showing that the present applicant, who is the Medical Representative along with other two Medical Representatives, had placed the order and thereafter

the said drug which is for carrying out abortion was sent to Latur, Satara and Pune. Taking into consideration the object with which PCPNDT Act has been promulgated, we cannot say that it involves only Drugs and Cosmetics Act and, therefore, the mankind, especially the girl child deserves to be protected. The method used for generating such orders appears to be forging of the documents and, therefore, a thorough investigation is required. In spite of the rejection of his earlier bail application, it appears that he is absconding and, therefore, he does not deserve the discretionary relief. Application stands rejected.

**( Smt. Vibha Kankanwadi, J. )**

agd