

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 ANTICIPATORY BAIL APPLICATION NO.746 OF 2022

1. PUJA W/O. VINOD GAWARE
2. SWATI WD/O. GANESH PATEKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Devakate Anant R.
APP for Respondent-State : Mr. S. B. Narwade.

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CORAM : S. G. MEHARE, J.
DATE : 26.07.2022

PER COURT :-

1. After hearing the learned counsel for the applicants extensively, this Court expressed disinclination to grant the bail to applicant No.1 - Puja Vinod Gaware. Learned counsel for the applicant, on instructions, seeks leave to withdraw the application for applicant No.1 only. Leave granted as prayed. Application for applicant No.1 stands dismissed as withdrawn.

2. Applicant No.2 Swati Ganesh Patekar is a Pharmacist. It has been alleged against her that she was supplying the medicines to the main accused and helping him commit the offence.

3. The learned counsel for the applicant has vehemently argued that the Investigating Officer has inspected her shop. However, they did not find any material showing the link between the applicant with the other co-accused. She is a widow and has a breastfeeding child. She has been falsely implicated in the present crime. She is running her shop even today. Therefore, her custodial interrogation is not required.

4. Per contra, learned APP has vehemently argued that the offence is serious. One of the co-accused disclosed the name of the applicant as the medicine supplier. He has referred to the documents pertaining to the business done with the main accused. He has argued that considering the statement of the co-accused if the custodial interrogation of the applicant is allowed, something new may transpire. Hence, her application may be rejected.

5. Perused the application, and the investigation papers. Except for the allegations in the F.I.R., nothing transpired in the investigation against the applicant. The police also inspected the shop of the applicant, but they did not find anything adverse against the applicant. Learned APP has pointed out that the C.D.R. shows that the applicant was continuously in contact with the main accused. The applicant

being a Pharmacist, must have contact with doctors. Only this evidence may not be sufficient to link the applicant with the business of the main applicant.

6. Be that as it may, nothing adverse was found against the applicant during the inspection of her shop. Her business is selling medicines. she is a widow and has a breastfeeding child. Considering the entire papers, this Court is of the view that no purpose would be served if the applicant's custodial interrogation is allowed. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) In the event of arrest, **applicant No.2 – Swati Ganesh Patekar**, be released on bail on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount in Crime No.144 of 2022, registered with Police Station Chandanzira, District Jalna, for the offences punishable under Sections 312, 313, 315, 120-B, 201 read with Section 34 of the I.P.C., Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971, Section 33 of the

Maharashtra Medical Practitioners Act and Section 3(1) and 6(c) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, on the condition that she shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.)

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vmk/-