

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

BAIL APPLICATION NO. 1283 OF 2022

Raj @ Raju Bhanudas Pawar	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. P. P. More, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 19th SEPTEMBER, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 0144/2022, registered at Chandanzira Police Station, District Jalna, for the offences punishable under Sections 304, 312, 313, 315, 120-B, 201, 52-A, 212 r/w 34 of the Indian Penal Code, under Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971, under Section 33 of the Maharashtra Medical Practitioners Act, 1961, under Section 3(1) and 6(c) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, and under Section 6 of the Maharashtra Nursing Home Registration Act, 1949.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by a Civil Surgeon on 29.04.2022. She had received an information that sex determination test and termination of pregnancy are done at the dispensary of Dr. Gaware. She, along with some of the police personnel, therefore, paid visit to the hospital to find one lady patient to have been admitted to Dr. Gaware's hospital. On inquiry with the patient Anita, it was revealed that she was pregnant second time. She was blessed with a daughter. She had therefore been to Dr. Gaware's clinic for sex determination. The same was done. Dr. Gaware told her that it is a female fetus. The doctor even asked her, if she wanted to undergo abortion, she may come after 2 – 3 days. Accordingly, she visited Dr. Gaware's clinic and got herself admitted. Her statement further indicates that doctor administered her some medicines for abortion and then asked her to take rest for two hours.

3. The role attributed to the present applicant is that he gave the victim saline. Admittedly, the applicant was serving as a Compounder with Dr. Gaware. He was working under the instructions of the doctor. The applicant appears to have played no major role in

the offence in question. On investigation, the charge-sheet has been filed. It will necessarily take time for commencement and conclusion of trial. The Court is therefore inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No. 0144/2022, registered at Chandanzira Police Station, District Jalna, for the offences punishable under Sections 304, 312, 313, 315, 120-B, 201, 52-A, 212 r/w 34 of the Indian Penal Code and under Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971, under Section 33 of the Maharashtra Medical Practitioners Act, 1961, under Section 3(1) and 6(c) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, under Section 6 of the Maharashtra Nursing Home Registration Act, 1949, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]