

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1820 OF 2022

SATISH S/O. BALASAHEB GAVARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. R. G. Hange
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 24-11-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant was arrested in another crime. When the present crime was registered, the applicant was languishing in jail.
3. The learned counsel for the applicant would submit that the applicant has no concern with the present crime. He does not know the deceased. The alleged offence has been lodged on the suspicion. That, the telephonic contacts with other co-accused were in the month of January 2022 and last call was on 08.04.2022. At the time of the alleged incident, the applicant was behind bar. Hence, he is not concerned with the incident. The false allegations have been levelled against the applicant that the sonography machine was owned by him. Since the applicant was

arrested in similar crime, he has been arraigned as an accused in the present crime. Hence, he may be granted bail.

4. The learned A.P.P. has opposed the application. He would argue that the applicant was repeatedly involved in the similar crime. The applicant has contact with other co-accused. The sonography machine was owned by him. The offence is serious. Hence, the applicant may not be granted bail.

5. Perused the chargesheet. The first information report reveals that unauthorized abortion was done on 05.06.2022 at village Bakarwadi, Taluka and District Beed by Sister Seema Dongre, who has committed suicide. The P.C.R. report of crime No. 144 of 2022 registered with Police Station, Chandanzira, District Jalna reveals that the applicant was arrested in the said crime on 08.05.2022. Considering the day of examination of the deceased and the actual abortion, there appears substance in the argument of the learned counsel for the applicant that at the relevant time, the applicant was behind bar. The phone facility in the jail is not allowed to the accused without permission of the Superintendent of Jail. Whatever C.D.R. relied by the prosecution reveals that the last contact of the applicant and the co-accused was in the month of April 2022. The circumstances discussed above favour the applicant for bail. Hence, the following order :-

i) Applicant Satish s/o. Balasaheb Gavare be released on bail,

on furnishing PB and SB of Rs.15,000/- with one solvent surety of the like amount, in C.R.No. 70 of 2022 registered with Police Station Pimpalner, Taluka and District Beed, for the offence punishable under Sections 304, 312, 314, 315, 316, 420, 201 read with Section 34 of the Indian Penal Code, Sections 3, 4(B), 5 of the Medical Termination of Pregnancy Act and Sections 3, 3(A), 5, 6, 23 and 25 of the Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994 (R.C.C.No.576 of 2022 pending before 7th Judicial Magistrate, First Class, Beed), on the conditions that;

- (a) He shall not involve in the similar crime;
- (b) He shall not tamper with the prosecution witnesses;
- (c) He shall not contact other co-accused;

(S. G. MEHARE)
JUDGE

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