

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3903 OF 2021**

Sattappa Krushna Khade

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. Umesh H. Pawar i/b Mr. Prashant Bhavake, Advocate for the Applicant.
Ms. M. R. Tidke, APP for the Respondent-State.

CORAM : VINAY JOSHI, J.

DATE : 27th APRIL, 2022.

P.C. :

. Heard.

2. The applicant is seeking regular bail in Crime No. 406 of 2021, registered with Karveer Police Station, District Kolhapur, for the offence punishable under Sections 315, 419, 420 r/w 34 of the Indian Penal Code and Sections 33 and 33A of the Maharashtra Medical Practitioners Act, 1961.

3. The applicant is seeking for bail on the ground of innocence, false implication and having no direct role in the incident. The State while opposing bail contended that the applicant had knowledge about the illegal activities still he has rented his house for said purpose. Having regard to the gravity of offence, the bail is prayed to be rejected. The report is lodged by the Informant Medical officer. Raid was conducted at the house of applicant. It was found that co-accused were indulging into business of

illegal sex determination and termination of pregnancy. The applicant was owner of said tenement and was aware regarding those illegalities. The prosecution case discloses that two of the co-accused pretending to be doctor were doing said business. Some other co-accused were acting as agents in said work.

4. The trial Court has released co-accused Sachin Ghatage and Bhaarat Jadhav, who were acting as agents and facilitating said work. It appears from police paper that the applicant is a landlord of the said premise as well as had knowledge about the illegal business conducted therein. Though the applicant's role is different from the co-accused, who were released on bail, however each one has distinct character to be played in the business. The actual allegation of illegal sex determination test are against the co-accused. The applicant is behind the bars from 18th July, 2021. The investigation is complete and charge-sheet has been filed. Trial will take its own time for disposal. There is no purpose in detaining the applicant behind the bars. Having regard to the above facts, the applicant can be released on bail by putting him on certain terms. In view of that, the following order:

ORDER

- i) The application stands allowed.
- ii) The Applicant Sattappa Krushna Khade is released on bail in connection with the Crime No. 406 of 2021, registered with Karveer Police Station, District Kolhapur, for the offence punishable under Sections 315, 419, 420 r/w 34 of the Indian Penal Code and Sections 33 and 33A of the Maharashtra Medical Practitioners Act, 1961, on his furnishing P.R. bond of Rs.50,000/- with one or two

sureties in the like amount.

iii) The Applicant shall report concerned Investigating Officer on every alternate Monday in between 10:00 a.m. to 12:00 noon till conclusion of trial.

iv) The Applicant shall not indulge into similar nature of activities.

v) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

vi) On breach of either of conditions would give rise to the prosecution to move for cancellation of bail.

vii) The application is disposed in above terms.

(VINAY JOSHI, J.)