IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3651 OF 2022

Dilip @ Deepak Kerba Shende …Applicant

Versus

The State of Maharashtra …Respondent

…….

Mr. Rohan Hogle for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

…….

CORAM : N.R. BORKAR, J.
DATED : 8 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 406 of 2021 registered at Karveer Police Station, Kolhapur for the offences punishable under Sections 315, 419, 420 r/w 34 of the Indian Penal Code and Sections 33 and 33A of Medical Practitioners Act, 1961.

3. The aforesaid offence came to be registered on the basis of the complaint lodged by Dr. Suvarna Patil, Medical Officer, Zilla Parishad, Kolhapur.

4. Pursuant to the secret information, raid was conducted on 18 July 2021 at 15.30 hours at the house of co-accused-Sattappa Khade and

during the said raid the applicant and other co-accused were found to be operating Sonography Centre and conducting pre-natal sex determination.

5. This Court by order dated 28 February 2022 in Criminal Bail Application No. 3769 of 2021 rejected the earlier bail application of the present applicant. However, liberty was granted to the applicant to renew the prayer for bail after the period of six months, if there is no progress in trial.

6. In view of the liberty granted by this Court, the applicant had again filed the application for bail i.e. Criminal Bail Application No. 2157 of 2022. In the meantime, as the Sessions Court had released co-accused on bail, the applicant inter-alia sought bail on the ground of parity. As the bail was sought on the ground of parity, this Court by order dated 26 September 2022 directed the applicant to approach the trial Court. Accordingly, application was filed before the trial Court. The trial Court however, again rejected the bail application.

7. The learned counsel for the applicant submits that the applicant without prejudice to his rights is willing to deposit the amount of Rs. 1 Lakh with the Tata Memorial Hospital, Parel, Mumbai and shall not seek refund of the said amount, even if he is acquitted.

8. Considering the fact that other similarly circumstanced co-accused are released on bail and hence, I am inclined to release the applicant on bail. In the result, following order is passed:

(i) Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 406 of 2021 registered at Karveer Police Station, Kolhapur for the offences punishable under Sections 315, 419, 420 r/w 34 of the Indian Penal Code and Sections 33 and 33A of Medical Practitioners Act, 1961 on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) The applicant shall deposit the amount of Rs. 1 Lakh with the Tata Memorial Hospital, Parel, Mumbai, within four weeks from today, and shall submit the receipt to the Karveer Police Station, Kolhapur.

MANGALTAI JAYWANT JADHAV
Digitally signed by MANGALTAI JAYWANT JADHAV
Date: 2023.02.28 14:35:41 +0530

(N.R. BORKAR, J.)