

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2213 OF 2022

Mahesh S. Patil ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. Umesh Pawar i/b Mr. Prashant Bhavake for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 17.04.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure 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 312, 315, 419, 420 read with 34 of the Indian Penal Code and Sections 33 and 33A of Medical Practitioners Act, 1961.
3. The aforesaid crime 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 hrs., at the house of the 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. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

7. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record a copy of the order passed by this Court dated 8 February 2023 in Bail Application No. 3651 of 2022. By the said order, this Court has released the co-accused Dilip @ Deepak Kerba Shende on bail.

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

7. I have perused the charge-sheet. The role attributed to the co-accused Dilip @ Deepak Kerba Shende and the present applicant appears to be identical. In that view of the matter, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 406 of 2021 registered at Karveer Police Station, Kolhapur for the offences punishable under Sections 312, 315, 419, 420 read with 34 of the Indian Penal Code and Sections 33 and 33A of Medical Practitioners Act, 1961 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall deposit an amount of Rs.1 Lakh with the Tata Memorial Hospital, Parel, Mumbai within four weeks from the date of uploading of this order and shall submit a receipt to the Karveer Police Station, Kolhapur.

D] The prosecution is at liberty to file an application for cancellation of bail, if the applicant commits any other offence.

[N.R.BORKAR, J.]