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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3898 OF 2023

RANI MANOHAR KAMBLE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Umesh Pawar i/b. Adv. Prashant Bhavake for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI J. A. Jadhav, Karveer Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 312, 315, 419, 420 read with 34
of the Indian Penal Code (hereafter 'IPC' for short) and
under Sections 33, 33A of the Maharashtra Medical
Practitioners Act, 1961 registered on 18.07.2021 vide C.R.
No.406 of 2021 with Karveer Police Station, District
Kolhapur.

3. The applicant is the accused No.1. The applicant was arrested on 20.07.2021.

4. The prosecution case against the present applicant as per the allegations of the complainant is that the applicant in connivance with the other accused conducted illegal sex determination of foetus at the house of accused No.5 in village Parite. The applicant and the co-accused No.2 carried out sex determination of foetus by falsely representing themselves as Doctors. During the raid that was carried out, the accused No.2 was found having portable sonography machine and ECG Gel and the accused Nos.3, 4, 6 and 7 were found conducting the sonography of one of the patient. It is alleged that the applicant managed to escape from rear door at the time of the raid.

5. Learned APP opposed the application for bail. Learned APP submitted that the offence is serious. It is submitted that at the highest the trial be expedited. It is further submitted that there is one criminal antecedent reported against the applicant. The prosecution intends to examine as many as 105 witnesses. Learned APP submitted that it is

not as if all the witnesses will be examined.

6. Learned counsel for the applicant submitted that the applicant is willing to file an undertaking that she will not indulge in any such activity in future and if it is found that the applicant has breached the condition, that shall be a reason for cancellation of this bail. Learned counsel for the applicant on instructions has submitted that the affidavit-cum-undertaking aforementioned shall be filed within a period of two weeks from the date of her release before this Court. Statement is accepted.

7. The charge has not been framed. The trial is likely to take a long time to conclude. The applicant is a woman and in custody almost for two years and five months. The applicant does not appear to be a flight risk. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail by imposing stringent conditions as any further incarceration will be a pre-trial punishment. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Rani Manohar Kamble in connection with C.R. No.406 of 2021 registered with Karveer Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Karveer Police Station twice a month on the first and third Monday of every month between 11.00 a.m. to 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The affidavit-cum-undertaking aforementioned shall be filed within a period of two weeks from the date of her release before this Court. It is made clear that if the applicant is found indulging in any offence it is open for the prosecution to apply for cancellation of bail.

8. The application is disposed of.

(M. S. KARNIK, J.)