



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

963 ANTICIPATORY BAIL APPLICATION NO. 974 OF 2024

Satish Balasaheb Gaware

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr.R.G. Hange

APP for Respondent/State: Ms.P.V. Diggikar

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.177 of 2024 registered with Pundlik Nagar Police Station, Aurangabad, Tq.& Dist. Aurangabad, for the offences punishable under sections 420, 312, 313 read with 34 of the Indian Penal Code (For short, "IPC") and under section 33(2) of Maharashtra Medical Practitioner Act, sections 23, 25, 3-B of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and sections 4, 5 of the Maharashtra Termination of Pregnancy Act.

2. It is prosecution's case that the informant Health Officer received a secret information that in Flat No.6, Deogiri Apartment, Malhar Square, Chatrapati Sambhajinagar, the test of sex determination of foetus was being undertaken. Therefore, he informed the concerned authority and made raid on said flat on 12th May, 2024, at 11.10 p.m.

After raiding, co-accused were arrested while doing the pre-natal test. Some machines have been seized. It is alleged that those machines are sold to the said clinic by the applicant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not been arrested from the flat no.6. The learned counsel further submitted that on the statement of arrested accused Satish Sonawane, the applicant's name has been involved. In the statement before the police accused Satish Sonawane stated that the applicant had sold him three machines in the year 2022 out of these machines one machine is seized by the police station, Pimpalner, one machine is seized by Waluj Police Station and one machine is not in working condition. The learned counsel further submitted that the applicant has no concerned with the present crime. The custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of the learned APP that in the raid, the informant and his team found that pre-natal diagnosis was going on in flat no.6. Machines were seized by the team. Those machines were provided by the applicant. The learned APP further submitted that the applicant has criminal antecedents. His custodial interrogation is required, hence requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The applicant's name is involved in this crime on the statement of accused Santosh Sonawane. He has stated that the applicant had sold him said machines in the year 2022. As per his statement, two machines are seized by the police station, Pimpalner. One machine is seized by police station, Waluj and one machine is not in working condition. Except the statement of accused Santosh nothing is against the applicant. Hence his custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.177 of 2024 registered with Pundlik Nagar Police Station, Aurangabad, Tq.& Dist. Aurangabad, for the offences punishable under sections 420, 312, 313 read with 34 of the Indian Penal Code (For short, "IPC") and under section 33(2) of Maharashtra Medical Practitioner Act, sections 23, 25, 3-B of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and sections 4, 5 of the Maharashtra Termination of Pregnancy Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga