

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1391 OF 2024

Rajendra Janardhan Pawar

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Kedar Balbhim R.
APP for Respondent/State : Ms. M.N. Ghanekar

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.296 of 2024 registered with Bhokardhan Police Station, District Jalna for the offences punishable under Sections 91, 88, 61(2), 3(5) of the Bhartiya Nyay Sanhita, 2023, Section 33(2) of the Maharashtra Medical Practitioner Act, 1961, Sections 3(A), 3(B), 23 and 25(9) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971 and Sections 3 and 6 of the Bombay Nursing Home Act, 1949.
3. On report, the investigation officer took an action against one Dr. Rajput, who was not qualified to perform the medical termination of pregnancy. In FIR, the name of the applicant was not

mentioned. However, during investigation it has been transpired that the applicant used to do blood test of the patients for main accused Dr. Rajput.

4. The applicant has a case that he was doing it routinely. He was working for the patients. Nowadays, it is a practice that some doctors refers the patient to the pathologist and some patients directly go to the pathology lab for test. He has no concern with the alleged crime. However, false statements have been created against him that he was working for Dr. Rajput. Therefore, he is a member of the group involved in illegal termination of pregnancy and sex selection. Nothing is to be recovered from him. There were no allegations that he charged exorbitant charges for the blood tests. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application. She would submit that most of the patients got tested from the applicant for main accused Dr. Rajput. He was just a BHMS and not authorized to involve in the sex selection and operations. It is a big gang. The applicant has connection with Dr. Rajput. Probably, he might have a share in the fees recovered for illegal termination of pregnancy. In the investigation, it has been transpired that the applicant did not maintain the record properly.

6. Perused the papers. Considering his role, he was testing blood of the patients sent to him by Dr. Rajput. It is not the case that

he charged exorbitant charges for blood tests. The blood tests could be done at any pathology laboratory. For non-maintenance of proper record, he may not be linked with the main accused. There is no evidence of his actual participation in the crime. The pathology laboratories runs on the mercy of the medical practitioner. There are good grounds for granting bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Rajendra Janardhan Pawar, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount in the above crime, on the conditions that ;
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) The applicant should not involve in identical crime.
 - (c) The applicant should attend the police station as and when called on written notice by the investigation officer till filing the charge sheet.

(S.G. MEHARE, J.)