

V/s.

The State of Maharashtra ... Respondent

Mr. Pandurang H. Gaikwad- Patil, APP, for the Respondent/State.

Mr. Satyavan Bharat Jadhav, PSI, Barshi City Police Station, present.

**CORAM : ANIL S. KILOR, J.**

DATE : 1ST JULY, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.586 of 2023, registered with Barshi City Police Station, Dist: Solapur for the offences punishable under Sections 313, 315, 316, 201 of the Indian Penal Code (for short, 'POCSO'), Sections 4, 5(2) (3) (4) and 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (for short, 'PCPNDT') and Sections 2(d), 4(b) and 5(2) of the Medical Termination of Pregnancy Act, 1971 (for short 'MTP').

3. The learned counsel for the applicant points out that the co-accused No. 5 has been granted bail and the applicant is the accused no. 4 whose role is similar with the role of accused No. 5. who has been granted bail. He, therefore, submits that the applicant is entitled for grant of bail, on the principles of parity.

4. The learned APP however, strongly opposed the application and submits that the application may be rejected.

5. Having considered the role of the co-accused no. 5 who has been granted bail and the role of the applicant, it is evident that it is similar. In that view of the matter, as the co-accused Prakash Bhosale has been granted bail by this Court vide order dated 21<sup>st</sup> June 2024 in Bail Application No. 352 of 2024, the application is allowed. Accordingly, I pass the following order:

### **ORDER**

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in in Crime No.586 of 2023, registered with Barshi City Police Station, Dist: Solapur for the offences punishable under Sections 313, 315, 316, 201 of the Indian Penal Code (for short, 'POCSO'), Sections 4, 5(2) (3) (4) and 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (for short 'PCPNDT') and Sections 2(d), 4(b) and 5(2) of the Medical

Termination of Pregnancy Act, 1971 (for short 'MTP')., on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall not enter into the territorial jurisdiction of Barshi City, till the conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1<sup>st</sup> and 16<sup>th</sup> day of every month between 12.00noon to 2.00p.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence.

vi) The applicant shall attend the trial before the Special Court regularly on every date unless exemption is granted by the Special Court.

6. The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)