

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

CRIMINAL BAIL APPLICATION NO. 3811 OF 2023

Natha Sahdev Khade

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Aniket Nikam i/by Mr. Amit Icham, Advocate for Applicant in
BA/3811/2023.

Mrs. Geeta Mulekar, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 18th JUNE, 2024.

P.C.:

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, District: Solapur (Rural) for the offences punishable under Sections 313, 315, 316, 201 of Indian Penal Code (for short 'IPC'), Sections 4, 5(2)(3)(4), 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and under Sections 2(d), 4(b), 5(2) of Medical Termination of Pregnancy Act, 1971.

3. Learned Counsel for the Applicant submits that the

Applicant is a labour by occupation and the only incriminating material against him is that from his vehicle Sonography machine was seized by the Police.

4. Learned APP strongly opposed the application and submits that there is one antecedent of similar nature against the Applicant.

5. In reply, the learned Counsel for the Applicant submits that in the said offence, the charge was that without possessing a license the Applicant has used the Sonography machine.

6. I have perused the charge-sheet. The Applicant is in jail from last about one year and during this period the investigation is completed. The incriminating material against the Applicant is the recovery of Sonography machine under Section 27 of the Indian Evidence Act.

7. Thus, considering the fact that charge-sheet has been filed and the Applicant is in jail from last about one year. I am of the opinion that the Applicant is entitled for grant of bail. Accordingly, the bail application is allowed.

ORDER

- i. Criminal Bail Application No. 3811 of 2023 is allowed;

- ii.** It is directed that the Applicant shall be released on bail in Crime No.586 of 2023, registered with Barshi City Police Station, District: Solapur (Rural) for the offences punishable under Sections 313, 315, 316, 201 of IPC, Sections 4, 5(2)(3) (4), 6(c) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and under Sections 2(d), 4(b), 5(2) of Medical Termination of Pregnancy Act, 1971, on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii.** The Applicant shall attend the Police Station on every 1st and 16th day of month between 11:00 am to 12:00 noon till conclusion of trial;
- iv.** 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;
- v.** 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 Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)