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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.126 OF 2025

Somnath S/o. Parsaram Barse,
Age: 35 years, Occu.: Driver,
R/o. Kamlapur, Tq. Gangapur,
Dist. Aurangabad

... Applicant

Versus

The State of Maharashtra
Through Taluka Police Station,
Jalna.

... Respondent

.....

Mr. Pralhad C. Bhagure, Advocate for Applicant
Ms. Vaishali S. Choudhari, APP for Respondent - State

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 APRIL 2025

PRONOUNCED ON : 04 APRIL 2025

PER COURT :-

1. Instant application is for grant of regular bail on account of his arrest in Crime No.0792 of 2024, registered with Taluka Jalna Police Station, District Jalna for offences punishable under Sections 111(2)(B), 61, 318 of the Bharatiya Nyaya Sanhita (BNS) and under Sections 3(B), 23 and 25 of the P.C.P.N.D.T. Act.

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2. Learned counsel submitted that, applicant is arrested in above crime on 18.12.2024. That, he is arrested merely because he was driver of the vehicle, which was allegedly used by other accused for committing the above offence. That, the vehicle in question is also seized. Learned counsel submitted that co-accused is granted bail. Therefore, according to him, on the ground of parity also, present applicant deserves the same treatment. That, no further recovery or discovery is shown to be made, and as applicant is ready to abide all and any conditions imposed by this Court, learned counsel urges for grant of bail.

3. Learned APP opposed the bail application on the ground that applicant is involved in the above crime. That, investigation revealed that his vehicle was used to transport a sonography machine, which was intended for illegal fetal sex determination.

4. Heard. Perused the papers. FIR dated 18.12.2024 is at the instance of Medical Superintendent, who reported that on directions of Civil Surgeon, raid was arranged and conducted in the vicinity of *Ambad Choufuli*. A dummy customer was engaged, and around 12:15 p.m., one Sandeep Gore arrived on a Jupiter scooter bearing registration No. MH-21-BL-3250, and

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rider take customer to a Swift Dzire car, in which a sonography machine was kept. The car was occupied by three other persons, and therefore, all persons, including the present applicant, were taken into custody.

5. As submitted by learned APP, Swift Dzire car was owned and driven by the present applicant. Prime accused is said to be Sandeep Gore. The role attributed to the present applicant is that, he was driver of the vehicle carrying the sonography machine. Therefore, he is not involved in alleged violation of provisions of the PCPNDT Act.

6. Considering the above role attributed to the applicant, and when vehicle in question being already seized and no further recovery or discovery is shown to be made at the instance of applicant, no purpose would be served by his further detention. Another accused Yogesh, who had approached this Court, was one of the persons who arrived on a two-wheeler motorcycle, and he is granted bail by this Court on 18.02.2025 in Bail Application No. 78 of 2025. Taking the same into consideration, applicant deserves relief as prayed. Hence, the following order :

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ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0792 of 2024 registered with Taluka Jalna Police Station, District Jalna executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- (iii) The applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane