



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 381 OF 2025

Manisha W/o. Shivaji Sanap,
Age : 37 years, Occu. : Agril.,
R/o. Ardhamasla, Tq. Georai,
Dist. Beed.

... Applicant

Versus

The State of Maharashtra,
Through P.I. Police Station,
Georai, Tq. Georai, Dist. Beed.

... Respondent

.....
Mr. R. G. Hange, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent - State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24th MARCH, 2025

PRONOUNCED ON : 25th MARCH, 2025

ORDER :

1. Applicant seeks enlargement of regular bail on account of her arrest in Crime No.0009 of 2024 registered at Georai Police Station, District Beed for offence punishable under sections 312, 120-B, r/w section 34 of Indian Penal Code and under sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971 and under sections 3(1), 3(3), 3A, 6B, 6C, 18, 23(1), 23(2) of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994.

2. Learned counsel for applicant submitted that,

applicant is behind bars since one year and three months. That, she is a lady having two small children, who are taking education. According to him, allegations against her are that, she mediated between Doctor and patient for sex determination. That, now investigation is over and charge sheet is already filed. That, nothing incriminating material has come against present applicant in support of allegations against her, more particularly, regarding termination of pregnancy and miscarriage. He further pointed out that, there is violation of procedure as the authorized authority has not lodged report. Further according to learned counsel, taking the long pre-trial incarceration into consideration, she has already undergone $\frac{1}{3}$ of the imprisonment which would be inflicted if charges are proved. That, no purpose would be served by keeping her behind bars indefinitely, as according to him charge is also not framed.

3. Learned APP opposed on the ground that, present application is successive bail application. That, there is no change in circumstances. He pointed out that, now matter is at the stage of evidence before charge. That, applicant is habitual and has committed similar offence earlier also, and therefore, she apprehends misuse of liberty further indulging in such offence.

4. Heard. Perused the papers, FIR and charge sheet. Medical Superintendent, Sub Hospital, Georai set law into motion alleging that Civil Surgeon, Beed summoned a meeting and informed about secret information received that agent namely Manisha Sanap i.e. present applicant and her associates are involved in sex determination and accordingly raid was arranged and executed at a house located near Shivneri hotel and in the raid it was revealed that, one Satish Gavare, present applicant and one Chandrakant Pandurang Chandanshiv are illegally conducting sex determination of pregnant ladies by charging money and in the raid Sonography machine, equipments meant for termination of pregnancy etc. were found in the above premises. On above report, crime was registered and applicant was shown to be arrested in January 2024.

5. Statement is made across the bar that present applicant merely acted as mediator, who arranged pregnant ladies for sex determination. Now, investigation is said to be over and charge sheet is already filed on 27.02.2024 itself. Applicant is thus shown to be behind bars since more than a year. Submissions made by learned counsel that charge has not been framed and no trial calendar is drawn yet, is not denied by learned APP. Apprehension expressed is misuse of liberty in continuing to indulge in similar

offence. However, apparently since more than a year applicant, who is a lady and who is said to be a mother of two children, is behind bars. Resultantly, when there are no immediate prospects of trial commencing soon or it getting over in near future, application deserves to be allowed. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Manisha W/o. Shivaji Sanap be released on bail in connection with Crime No.0009 of 2024 registered with Georai Police Station, District Beed, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of her attendance till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)