



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

**945 BAIL APPLICATION NO. 633 OF 2025**

Santosh Bajrangsing Chouvan Alias Rana

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondents-State: Ms. Vaishali N. Jadhav-Patil

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**CORAM : ARUN R. PEDNEKER, J.**

**Dated : June 13, 2025.**

**PER COURT :-**

1. Heard the learned Counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in connection with FIR No. 0792/2024 dated 18/12/2024, registered with Taluka Jalna Police Station, District Jalna, for the offences punishable under Sections 111(2)(B), 61, 318(2), 318(4), 3(5) of the Bharatiya Nyaya Sanhita, Sections 3(1), 3(2), 3(3), 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994, Sections 3 and 4 of the Medical Termination of Pregnancy Act, 1971, and Section 33 of the Maharashtra Medical Practitioners Act.
3. The prosecution case, as reflected in the FIR and subsequent statements, is that secret information was received that a machine for sex determination was being let out on hire for Rs. 50,000/-. Accused Nos. 1 to 3 were found at the spot and were allegedly providing the machine for illegal sex determination. Upon arrest of Accused No. 1, the name of the present

applicant surfaced as being involved in providing the machine for sex determination. Accordingly, the applicant was arrested on 19/12/2024. Subsequently, on 25/12/2024, the statement of the applicant's office boy was recorded, stating that the applicant used to conduct illegal sex determination. Thereafter, a statement of a lady was recorded, alleging that sex determination of her sister's foetus was conducted at the applicant's clinic and, thereafter, medical termination of pregnancy was carried out at the instance of the applicant. Based on these allegations, the applicant has been booked for the aforesaid offences.

4. The learned Counsel for the applicant submits that the applicant is a doctor by profession, has no antecedents, and that the statement of the lady was recorded belatedly on 05/01/2025. It is further submitted that the investigation is complete and that the applicant has been in custody since 19/12/2024, i.e., for over six months. He contends that the trial may take considerable time to conclude and the maximum punishment for the alleged offences is five years. Hence, he prays that the applicant be released on regular bail.

5. Per contra, the learned APP submits that the offences under the PCPNDT Act, MTP Act, and Section 33 of the Maharashtra Medical Practitioners Act are grave and amount to a social offence against society. It is submitted that the applicant has conducted sex determination of

foetuses, which is substantiated by the evidence on record. Although the charge sheet has been filed, it is urged that considering the gravity and social impact of the offence, the applicant does not deserve to be enlarged on bail.

6. Considered the rival submissions. *Prima facie*, it is seen from the FIR that the applicant's name came up in the statement of a co-accused, and later in the statement of the lady recorded on 05/01/2025, wherein she alleged that the applicant conducted sex determination and terminated the pregnancy. The investigation is complete and the applicant has no antecedents. It is not disputed that the maximum punishment prescribed is five years and the trial will take long time to conclude. Hence, considering the overall circumstances, this Court is inclined to grant bail to the applicant.

7. In view of the above, the application is allowed on the following terms: -

a] The applicant shall be released on bail in connection with FIR No. 0792/2024 dated 18/12/2024, registered with Taluka Jalna Police Station, District Jalna, for the aforesaid offences, on his executing a PR bond of Rs. 25,000/- with one or two sureties of the like amount to the satisfaction of the trial Court.

b] The applicant shall not, directly or indirectly, make any

contact with the informant during the pendency of the trial.

c] The applicant shall cooperate with the trial Court and shall attend each and every date of hearing, unless exempted by the trial Court.

d] The applicant shall not tamper with the prosecution evidence or influence the informant, witnesses, or any other person connected with the case.

e] Upon release, the applicant shall furnish his current contact number and residential address to the trial Court and shall update the same in the event of any change.

f] If the applicant is found to have committed a similar offence during the pendency of the trial, the bail granted in the present matter shall be liable to be cancelled.

8. Needless to say, in case of breach of any of the above conditions, the bail granted to the applicant shall stand liable to be cancelled. It is clarified that the observations made in this order are confined to the consideration of this bail application only. The trial Court shall proceed independently, uninfluenced by any of the observations hereinabove.

9. The application stands disposed of accordingly.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*