



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

36 BAIL APPLICATION NO.1084 OF 2025

SATISH BALASAHEB GAVARE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.R.G.Hange
APP for Respondent-State : Mr.S.K.Shirse

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 14.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 26.12.2024 in connection with Crime No.792 of 2024, registered with Taluka Jalna Police Station, District Jalna, for the offence punishable under Sections 111, 61, 318 of BNS, Section 3 (b), 23, 25 of PCPNDT Act as per FIR and Section 111 (2)(b), 88, 318 (2)(4), 61, 3 (5) of the BNS, Section 3 (4) of M.T.P.Act, 33 of Maharashtra Medical Practitioner Act and Section 3 (1) (2)(3), 6, 23, 25 of the P.C.P.N.D.T. Act as per charge sheet.

3] The learned counsel for the applicant submits that the allegations in the charge sheet against the present applicant is that the co-accused has handed over the machine of determination of sex to the another accused meaning thereby the applicant has supplied the particular machine illegally for determination of sex. The learned counsel further submits that at the time of offence the applicant was in custody from 07.10.2024 in another crime and the present crime is registered on 18.12.2024. He further submits that due to criminal antecedents, the applicant is roped in the present crime. He further submits that this Court, by order dated 13th June, 2025 in Bail Application No.633 of 2025, has granted bail in favour of co-accused and considering the ground of parity, the bail should be granted in favour of the present applicant.

4] *Per contra*, the learned APP has pointed out that the accused nos.1 and 2 have taken the name of the applicant, thereafter, the custody of the applicant was taken in the present crime. On enquiry from the manufacturing company, it was found that the machine was sold by Shenzhen Mindary Bio Medical Electronics Co. Ltd. to Nanjing Beiden. After that Nanjing Belden sold the machine to Guangzhou Clinic and after that how the machine went to India, they have no idea about it. The learned APP submits that there are four antecedents against the present applicant.

5] *Prima facie*, there is no independent evidence to establish the involvement of the present applicant in the alleged crime. There is no evidence that the applicant is the owner or at least in possession of the sex-determination machine. At the time of offence, the applicant was in custody from 07.10.2024 in another crime and the present crime is registered on 18.12.2024. Considering the said fact, so also, considering that the co-accused has been granted bail by this Court, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.792 of 2024, registered with Taluka Jalna Police Station, District Jalna, for the offence punishable under Sections 111, 61, 318 of BNS, Section 3 (b), 23, 25 of PCPNDT Act as per FIR and Section 111 (2)(b), 88, 318 (2)(4), 61, 3 (5) of the BNS, Section 3 (4) of M.T.P.Act, 33 of Maharashtra Medical Practitioner Act and Section 3 (1) (2)(3), 6, 23, 25 of the P.C.P.N.D.T. Act as per charge sheet, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE