

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 BAIL APPLICATION NO. 1229 OF 2025

RAJDENDRAKUMAR KASHINATH SAWANT

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. N.S. Ghanekar
APP for Respondent/State : Mr. P.P. Dawalkar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 296/2024 dated 6.7.2024 registered with Bhokardan Police Station, District Jalna for the offences punishable under sections 61(2), 88, 91, 3(5) of B.N.S., 2023, under sections 3 and 4 of Medical Termination of Pregnancy Act, 1971, under section 33(2) of Maharashtra Medical Practitioners Act and u/s. 3(a), 3(b), 23 of Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994.
3. The case of the prosecution against the applicant is that the applicant has done sex determination of the fetus of nearabout 15 ladies and their pregnancy was terminated by another doctor.
4. The learned counsel for the applicant submits that the main accused who had terminated the pregnancy has been granted bail vide order dated 9.4.2025 passed by the Hon'ble Supreme Court in Petition (s) For Special Leave to Appeal (Cri). No. 2184/2025 (Dilipsingh Vs. The State of Maharashtra). The learned counsel submits that investigation is completed,

chargesheet is filed and that the applicant is arrested on 31.5.2025 and since then he is behind bars. The learned counsel submits that assuming that the offences levelled against the applicant in present crime are proved, maximum sentence of three years can be imposed on the applicant. The learned counsel therefore prays to release the applicant on bail.

5. The learned APP opposed the application and submits that there are three antecedents including present case against the applicant of the similar offence and prayed to reject the application.

6. To respond the above submission of learned APP, the learned counsel for the applicant submits that in one case the applicant is already released on bail holding that prima facie there is no evidence available against the applicant, in the second case, the applicant is discharged and the third is the present case.

7. Having considered the above submissions and police papers, it appears that investigation is completed and chargesheet is also filed in the matter. It is not known when the trial would conclude and no purpose would be served by keeping the applicant behind bars till the conclusion of the trial. Maximum punishment provided for the aforesaid offences is three years. The main accused has been released on bail by the order of Hon'ble Supreme Court. Considering all above fact, I hold that bail can be granted to the applicant.

8. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 296/2024 dated 6.7.2024 registered with Bhokardan Police Station, District Jalna for the offences punishable under sections 61(2), 88, 91, 3(5) of B.N.S., 2023, under sections 3 and 4 of Medical Termination of Pregnancy Act, 1971, under section 33(2) of Maharashtra Medical Practitioners Act and u/s. 3(a), 3(b), 23 of Pre-Conception and Pre-Natal

Diagnostic Techniques (PCPNDT) Act, 1994, 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 shall not get himself indulged in similar kind of offence.

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

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] 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.

9. 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.

10. 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.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/