



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 BAIL APPLICATION NO. 1502 OF 2025

Sandip Kailas Gore

VERSUS

The State Of Maharashtra

...

Mr. Hange Anirudh R., Advocate for Applicant

Mr. N. B. Patil, APP for Respondents State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 14th October, 2025

ORDER:

1. Heard.

2. This is an application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "the BNSS"), for grant of regular bail in connection with Crime No.792/2024 registered at Taluka Jalna Police Station, Dist. Jalna, for the offences punishable U/Sec.111, 111(2)(b), 61, 318, 112(2)(b), 88, 318(2), 318(4), 3(5) of B.N.S. 2023, u/s. 3(b), 23, 25, 3(1), 3(2), 3(3), 6 of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, under sections 3 and 4 of Medical Termination of Pregnancy Act, 1971 and under section 33 of Maharashtra Medical Practitioners Act.

3. The learned counsel for the applicant pointed out the report in which the informant averred that the applicant and other accused were testing the gender of fetus which is punishable under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. It is alleged that the applicant was selling the

machines and some time he used to determine the sex of the fetus and therefore, he is arrested.

4. The learned counsel for the applicant submits that similarly situated co accused are released on bail by the order of this court. He pointed out the statement of the witnesses and other material on record. He submitted that the applicant has roots in the society and he will not flee away from the trial. Trial will take a long period. Though he has criminal antecedence, he will not commit similar nature of crime. The learned counsel for the applicant submitted that the applicant is entitled for bail on the ground of parity as the co-accused is released on bail.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime and having four antecedents of the similar nature. He is habitual offender and committing same nature of crime. He is selling those machines and sometimes using those machine for determining the sex of fetus. His overt act is very serious. The possibility of commission of similar nature of crime again on the part of the applicant also cannot be ruled out, if he is released on bail. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly, the report and the statements of witnesses. The applicant has four antecedes of the same nature which are stated by the learned trial court in the order refusing

to grant bail, such as Crime no.144/2022 under sections 315, 313, 312, 201, 34, 120(b) of IPC and Section 3 and 4 of Medical termination of Pregnancy Act, 1971, section 33 of Maharashtra Medical Practitioners Act, 1961, 3(1) and section 6(c) of PCPNDT Act, 1994 registered with Chandanzira police station, crime No. . 09/2024 u/s 312, 34 of IPC and section 3 and 4 of Medical Termination of Pregnancy Act, 1971 section 3(1), 3(3), 3(A), 6(B), 60, 18, 23(1), 23(2) of Maharashtra Medical Practitioners Act, 1961 registered at Gevrai police station, District Beed and crime no.177/2024 u/s 420, 312, 313, 34 of IPC and section 33(2) of Medical Termination of Pregnancy Act, 1971 and section 3(B), 23, 25 of Maharashtra Medical Practitioners Act, registered at Pundlik Nagar police station, District Chhatrapati Sambhaji Nagar.

7. This court, while allowing the applications of co-accused Satish Gavare, who is similarly situated having criminal antecedents of four similar cases, released him on bail on certain conditions. The applicant is therefore entitled for the bail on the principle of parity though has criminal antecedents and on the principle that bail is rule and jail is exception. However, if he found while committing similar nature of crime, his bail can be cancelled.

8. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

I. The application is allowed.

II. The applicant in connection with Crime No.792/2024, be released on bail on furnishing personal bond of **Rs.20,000/-** with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- b) The applicant shall not indulge in similar activities again.
- c) If the applicant commits breach of any of the above conditions, the investigating officer / concerned police station / prosecution is at liberty to file application for cancellation of bail of this applicant before the Trial Court. If such an application is moved, the Trial Court is at liberty to decide the said application on merits without reference to this Court.
- d) The applicant shall not enter into Jalna Town, till the conclusion of trial, except on the dates fixed by the Trial Court for attending the trial.

(SANJAY A. DESHMUKH, J.)