



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1873 OF 2024

Satish S/o. Balu Sonawane,
Age : 31 years, Occu. : Nil,
R/o. Plot No.15, Lane No.7,
Jadhavwadi, Aurangabad

... Applicant

Versus

1. The State of Maharashtra,
(Through Waluj Police Station
District Aurangabad)

... Respondent.

.....
Mr. Nilesh S. Ghanekar, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent - State.

.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 17 JANUARY 2025
PRONOUNCED ON : 21 JANUARY 2025

ORDER :

1. Applicant seeks his enlargement on regular bail in consequence to his arrest in Crime No.34 of 2024 registered at Waluj Police Station, District Aurangabad for offence punishable under section 5 of the Medical Termination of Pregnancy Act and under sections 3-A, 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (PC & PNDT) Act, 1994.

2. Learned counsel pointed out that, applicant was arrested in above crime on 21.02.2024. It is submitted that, primary

allegations are against one Vaishali Ravindra Jadhav, who was said to be a Asha worker. That, FIR is registered on 31.01.2024 and after three weeks or so, applicant is arrested i.e. in February 2024 for above offence. It is pointed out that, now investigation is over and charge-sheet is filed in June 2024 itself. That, nothing was recovered from present applicant. Whatever recovery was made was from some other accused, who were allegedly running chemist shop. That, Present applicant is not Pharmacist. That, main accused Vaishali is already beneficiary of bail. That, other accused are already set at liberty in similar crimes. Learned counsel pointed out that, there are statements of witnesses, namely, Mahesh, Laxman and Swati, but they are ambiguous in nature. That, even otherwise, as regards to present applicant is concerned, there are allegation of commission of offence under section 23 of PC & PNDT Act, for which maximum punishment of three years. That, present applicant has no criminal antecedents and for above reasons and as applicant is said to be behind bars since long, learned counsel for applicant seeks relief of regular bail.

3. Opposing the above application, learned APP pointed out that investigation revealed that, present applicant is also involved in the above offence. He has committed similar crimes previously also. That, investigation revealed that, he was possessing Sonography

machine, which was under his control and operation. That, incriminating material is found at his instance and there is seizure panchanama to that extent. Statement of the driver reveals his direct involvement and consequently, according to learned APP, with such serious offence, applicant may not be granted relief of regular bail as according to him, he is likely to further indulge in similar crimes once again.

4. Heard both sides. Perused the FIR and papers in charge-sheet. On going through the FIR at the instance of Ramesh Pawar a Medical Officer, above crime seems to be registered. It is reported that, on complaint received from Civil Surgeon, Aurangabad raid was conducted by the team comprising of informant doctor and others to the premises of one Vaishali Jadhav resident of Bakwalnagar. The said lady was said to be Asha worker and she was running a center by name Surabhi Mother Care Center and during the raid conducted in the evening injections and MTP kit for abortion and termination pills were found, which was in violation to above acts and statutes. Therefore, FIR seems to have been lodged against said Vaishali. It appears that, on further investigation, involvement of some other persons, who were Pharmacist and present applicant had surfaced. As regards to present applicant is concerned, there are allegations that he was carrying machine for detection of sex from distinct spots.

Statement of the driver of the vehicle, which was said to be used is also recorded by investigating machinery and spot panchanama is said to be drawn on 08.02.2024, to which attention was invited by learned APP, wherein it is reflected that one month back said vehicle bearing No.MH-20-EJ-6292 was used by present applicant to go to Surabhi Mother Care Center at Bakwalnagar.

5. As pointed out, accused Vaishali who is primarily named in the FIR seems to have pressed Bail Application No. 1753 of 2024 for grant of regular bail and by order dated 16.10.2024, she seems to be a beneficiary, thereby granting her bail. Thus, as submitted main accused is set at liberty by this court. As regards to present applicant is concerned, there are allegations that he used to carry system meant for detection, but driver's statement reflected in the panchanama shows that, vehicle was taken to center run by Vaishali. Copies of bail orders also in favour of another accused Ganesh in same crime shows that, on 15.10.2024, he is also granted regular bail. Therefore, when main accused and other accused in same crime are given benefit of regular bail, similar treatment deserves to be given to the applicant also on similar terms and conditions. Hence, I proceed to pass the following order :-

ORDER

- (i) Application is allowed.

(ii) Applicant Satish S/o. Balu Sonawane be released on bail in connection with Crime No.34 of 2024 registered with Waluj Police Station, District Aurangabad on executing P.B. of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)