



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 ANTICIPATORY BAIL APPLICATION NO. 1766 OF 2024

Balaji Nanasaheb Talekar

....Applicant

VERSUS

The Commissioner Of Police & another

.....Respondents

.....

Mr. V. S. Wakale, Advocate for Applicant.

Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 14th JANUARY, 2025.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0177/2024 registered with Pundliknagar Police Station, District Aurangabad for the offences punishable under Sections 420, 312, 313 read with Section 34 of Indian Penal Code and under Section 33(2) of the Maharashtra Medical Practitioner Act and under Sections 23, 25, and 3-B of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Determination) Act and under Section 4 and 5 of the Medical Termination of Pregnancy Act.

2. Perusal of the First Information Report indicates that offences are registered against applicant under the provisions of

Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Determination) Act read with Maharashtra Medical Practitioners Act and other offences under Indian Penal Code.

3. Learned counsel for the applicant submits that now investigation is over and charge-sheet is filed. By referring to the charge-sheet it is submitted that there is absolutely no evidence in order to connect applicant with this crime. He contends that though it is claimed by prosecution that the co-accused has made statement against the applicant, however, memorandum of such statement has not been recorded during investigation.

4. Learned APP opposed the application. He cited seriousness of the crime as a reason for rejection thereof.

5. Prima facie perusal of the charge sheet does not indicate any evidence against the present applicant showing his involvement in the crime. This Court finds substance in the contention of learned counsel for the applicant that only on the basis of alleged statement of the co-accused implication is sought herein. However, in charge sheet even there is no memorandum of statement recorded of the co-

accused to that effect. Apart from this, statements of witnesses recorded do not support the case of prosecution against the present applicant. Applicant's liberty was protected on 17.10.2024. There is no allegation of misuse of liberty. He is not likely to flee from justice. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb