



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

938 BAIL APPLICATION NO.362 OF 2025

TULSHIRAM LAXMAN GARADE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.N.S.Ghanekar
APP for Respondent-State : Mr.G.O.Wattamwar

...

WITH

**CRIMINAL APPLICATION NO. 4976 OF 2024
IN BAIL APPLICATION NO.1030 OF 2024**

...

TULSHIRAM LAXMAN GARADE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.N.S.Ghanekar
APP for Respondent-State : Mr.G.O.Wattamwar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 26.06.2025

P.C. :

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

2] The applicant is seeking bail in Bail Application No.362 of 2025 as he is arrested on 21.02.2024 in

connection with Crime No. 0034 of 2024, registered with Waluj Police Station, Dist. Aurangabad, for the offence punishable under Section 5 of the Medical Termination of Pregnancy Act, 1971 and Sections 23, 25, 3 (a) of Pre-Conception and Pre-Natal Diagnostic Techniques [PCPNDT] Act, 1994.

3] By order dated 16.06.2025, the applicant was directed to remain present before the Medical Board, GHATI, Chh. Sambhajinagar and the Medical Board of GHATI has submitted a report to this Court, which reads as under :

The candidate was examined by a Senior Neurophysician, Physician and other medical board members in detail.

. He had (Rt) Sided hemiplegia and was admitted under Govt. Medical College hospital from 14/6/2024 to 03/07/2024. He had large gangliocapsular bleed in (lt) brain with mass effect.

. Today on examination (23/6/2025) he has motor aphasia (unable to speak). He follows oral commands. He moves his left side of the body and can lift (Rt) hand with the help of (lt) hand. He was examined on wheelchair. He has complete paralysis (Hemiplegia) of his right side of body.

. *His disability is permanent and is not likely to recover.*

. *His MRI brain done on 19/06/2025 is showing encephalomalacia in left gangliocapsular and temporal regions.*

4] The learned counsel for the applicant submits that this Court, by order dated 21.01.2025 in Bail Application No.1873/2024, has granted bail in favour of co-accused, namely, Satish Balu Sonawane and considering the said order, the applicant is also entitled to grant bail on the ground of parity. He further submits that the role of the applicant is not higher than the role of the Satish Sonawane.

5] It appears that the applicant has filed Bail Application No.1030/2024 for regular bail and this Court, by order dated 28.06.2024 in Bail Application No.1030/2024, granted temporary bail in favour of the applicant for a period of six months. Thereafter, the applicant has also filed Criminal Application No.4976/2024 in Bail Application No.1030/2024 for extension of temporary bail for a period of six months further and the bail of the applicant is continued from time to time. Thereafter, on 20.02.2025, the present applicant has filed Bail Application No.362/2025 for regular bail.

6] Considering the report of Medical Board dated 24.06.2025, the applicant is granted bail on medical grounds. The applicant's submission that the applicant be granted bail on the ground of parity is not considered as the applicant is granted bail on medical ground. In view of the same, the Bail Application No.362 of 2025 is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 0034 of 2024, registered with Waluj Police Station, Dist. Aurangabad, for the offence punishable under Section 5 of the Medical Termination of Pregnancy Act, 1971 and Sections 23, 25, 3 (a) 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, 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.

e] 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.

7] 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.

8] Bail Application No.362/2025 stands disposed of.

9] In view of granting bail in favour of the applicant, Criminal Application No.4976/2024 in Bail Application No.1030/2023 also stands disposed of.

[ARUN R. PEDNEKER]
JUDGE