

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2635 OF 2025

Dagadu Baburao Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Paras Yadav, learned Advocate for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.
DATE : 8th AUGUST 2025.

P.C. :

1. Heard Mr. Paras Yadav, learned Advocate for the Applicant and Mr. Tanveer Khan, learned A.P.P. for the State/Respondent.

2. Applicant, an accused in Crime No. 747 of 2024 registered with Juna Rajwada Police Station, District-Kolhapur for the offences punishable under Sections 91, 319(2), 318(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 33 & 33A of the Maharashtra Medical Practitioner Act, 1961 and Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971 and Section 5 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, is before this Court seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Said crime is registered as Sessions Case No. 67 of 2025 and is pending before the learned Additional Sessions Judge, Kolhapur.

3. There are 10 accused persons in the present crime. Applicant is Accused No. 1.

4. Applicant was arrested on 20th December 2024, since then he is in jail. Bail Application at Exhibit-3 filed by the Applicant in Sessions Case No. 67 of 2025 was rejected by the learned Additional Sessions Judge, Kolhapur on 11th April 2025.

5. Mr. Paras Yadav, learned Advocate for the Applicant submits that the Applicant is suffering from HIV. He submits that he has a son, who is a person with disabilities. He points out to Unique Disability ID issued by the Government of India, wherein the son of Applicant is shown to be intellectually disabled (75%). He submits that there is no one to look after his son. He therefore prays that the Applicant be released on bail.

6. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the Applicant is a HIV positive person and appears to be immuno compromised.

7. Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, provides for expeditious disposal of legal proceedings concerning and relating to HIV persons. Section 34(2) of the said Act is transcribed hereinbelow :-

“34 ...

...

2 In any legal proceeding concerning or relating to an HIV positive person, the Court shall

take up and dispose of the proceeding on priority basis.”

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Having regards to the peculiar facts and circumstances of the present case, considering the Applicant is a HIV positive person, in jail since the month of December 2024 and his son being a person with disabilities (assessed at 75%), I am of the opinion that this is a case for grant of bail.

10. Mr. Paras Yadav, learned Advocate for the Applicant on instructions from the Applicant submits that the Applicant shall not indulge himself in medical practice. Statement made by Mr. Paras Yadav, learned Advocate for the Applicant is accepted.

11. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 747 of 2024 registered with Juna Rajwada Police Station, District-Kolhapur for the offences punishable under Sections 91, 319(2), 318(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 33 & 33A of the Maharashtra Medical Practitioner Act, 1961 and Sections 3 & 4 of the Medical Termination of Pregnancy Act, 1971 and Section 5 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 on executing PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two

sureties in the like amount to the satisfaction of the Additional Sessions Judge, Kolhapur.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Juna Rajwada Police Station, District-Kolhapur and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 67 of 2025 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Kolhapur, on each and every date, unless exempted from appearance.
- f. Applicant shall not indulge in any activity pertaining to medical termination of foetus. If the Applicant is found indulging himself in medical practice or any activity of medical termination of foetus, the same shall be a ground to forthwith cancel the bail granted to the

Applicant.

- g. Additional Sessions Judge, Kolhapur is requested to make an endeavour to dispose of Sessions Case No. 67 of 2025 at the earliest considering the provisions of Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017.

12. Criminal Bail Application No. 2635 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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