IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2458 OF 2026

Mandar Suresh Mali …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Dhairyasheel Sutar (through Video Conferencing) a/w. Mr. Paras Yadav i/b. Mr. Vivek B. Rane, for the Applicant.
Mr. S. V. Walve, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st OCTOBER 2026

PC:-

1. Heard Mr. Sutar, learned Counsel appearing for the Applicant and Mr. Walve, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**") by the Applicant i.e. accused No.4, seeking pre-arrest bail in connection with C.R. No.466 of 2026 registered with Yavat Police Station, Pune, for the offences punishable under Sections 23 and 25 of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, Sections 88, 91,

319(2), S3(5) of the Bharatiya Nyaya Sanhita, 2023 ("**BNS**") and Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971.

3. The prosecution case is set out in paragraph No.3 of the order dated 27th July 2026, passed by the learned Additional Sessions Judge, Baramati, District- Pune, in Criminal Bail Application No.485 of 2026, which reads as under:

> "*3] It is the case of prosecution that on dt.14.05.2026 informant received a video on whatsApp number regarding illegal prenatal sex determination. Said video was having name of journalist Mr. Manoj Khandale and his contact number. Therefore, informant contacted Mr. Manoj Khandale and asked for providing original copy of the said video to take the action. Later on, informant came to know that the person who was conducting the prenatal sex determination in the said video is Mr. Annasaheb Giri. Hence, informant lodged report about the said incident to Yavat Police Station.*"

4. It is the contention of learned Counsel appearing for the Applicant that the Applicant is not involved in the crime. He submits that the allegations are concerning sex determination and medical termination of pregnancy in Daund Taluka and the

Applicant's hospital is situated in Bhor Taluka and there is distance of about 100 kms between these two Talukas.

5. On the other hand, learned APP strongly opposes the Anticipatory Bail Application. He submits that the accused Nos.1 and 2 who are the Doctors are actually involved in the sex determination and medical termination of pregnancy on the basis of sex determination and the allegation against the Applicant is that he has allowed user of his hospital for the said offence. To substantiate the said contention, he has relied on a statement dated 15th June 2026 of one Chetan Dilip Baravake.

6. Perusal of the record shows that the allegation is concerning sex determination and medical termination of pregnancy on the basis of same. Thus, the allegations are very serious. However, perusal of the FIR shows that the same are concerning Daund Taluka of District Pune. The hospital of the Applicant is situated at Bhor Taluka, which is about 100 kilometers away from the Taluka Daund. In fact, perusal of the said statement dated 15th June 2026 of Chetan Dilip Baravake, on which the learned APP has heavily relied are against accused No.1 and no details are given as far as

the allegations against the Applicant is concerned. In fact, perusal of the said statement dated 15th June 2026 shows that said Chetan Dilip Baravake has carried out sex determination when his wife was pregnant and said sex determination was carried out by the accused No.1.

7. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Mandar Suresh Mali in connection with C.R. No.466 of 2026 registered with the Yavat Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on **14th October 2026 and 15th October 2026** between 11:00 a.m. to 02:00 p.m. and shall cooperate with the investigation.

(c) The Applicant shall attend the concerned Police

Station once in a month on 1st Sunday between 11:00 a.m. to 02:00 p.m. till conclusion of the trial.

(d) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL
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