

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

BAIL APPLICATION NO. 3406 OF 2026

Vinaykumar S/o. Shreeramsajeevan Sharma .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Ranjeet Yadav, Advocate, for the Applicant
Mr. Amit A. Palkar, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 08.09.2026

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1. Heard Mr. Yadav, learned Counsel for the Applicant and Mr. Palkar, learned APP for the Respondent – State.

2. This Application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short “**BNSS**”) in connection with C.R.No. 544 of 2025 registered with the Panvel City Police Station for offences punishable under Sections 318(4), 336(3), 337, 238, 338, 341(1)(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short “**BNS**”).

3. The Applicant is indicted as a principal Accused, being Accused No. 1 in the present crime for the offences of cheating and forgery. Though learned Counsel for the Applicant would in his usual fairness

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inform the Court that charge against the Applicant is that he had forged an order of the learned Magistrate with regard to grant of Minor Certificate to certain clients who had approached him and when the said order was placed before the concerned Magistrate, it was found that the said order was not passed by the Court and therefore, directions were given to lodge a police complaint and investigate the matter. The Applicant is indicted and arrested on 14.09.2025 and he is in incarceration for the past one year. Learned Counsel for the Applicant would submit that the Prisoners Medical Report at page 460 which is dated 23.02.2026 is seen by the Court. That apart, he would also place before the Court the Prisoners Medical Report dated 22.12.2025 qua the Applicant's medical status and state of his health while being incarcerated. He would persuade the Court to juxtapose both the Reports to arrive at a conclusion that the medical state and health status of the Applicant, as can be derived on a mere reading of the said Reports prepared by the Chief Medical Officer is such that the Court will have to step in forthwith.

4. With the able assistance of the learned Counsel for the Applicant and learned Prosecutor, I have perused both the Medical Reports. *Prima facie*, it is seen that the Applicant is diagnosed with diabetes malitus with hyper tension and bilateral cataract which leads to blurred vision

and when he was examined, investigated and treated by the Ophthalmologist in the month of December, 2025, it was opined and diagnosed as a case of advanced cataract of both the eyes and needing urgent surgery. The Report in February, 2026 carries on further which further advises blood investigations, follow up blood reports for undertaking the cataract surgery in one eye at a time in view of his advanced stage subject to his vital parameters be conducive to surgery. Today, we are in September, 2026. This is a fresh Bail Application which is filed before me on 25.08.2026. It has been listed for the first time today. Learned Counsel appearing for the Applicant has placed a compilation of documents before me and would persuade the Court to consider grant of bail to the Applicant in view of the documents which are presented before the Court. He would submit that for the past more than one year, the Applicant has lived with the ignominy of the eye surgeries for cataract. His instructions are that Applicant has very poor eye vision. He has also placed before me the hospital papers of the MGM Medical College and Hospital, where the Applicant was admitted between 18.07.2025 and 23.07.2025 for various reasons/diseases and more specifically, Malaria which he had contacted at the then time. I have no reason to disbelieve the Reports which are placed before me by learned Counsel for the Applicant at the bar. The subsequent Reports of

the Ophthalmology Department of Navi Mumbai Municipal Corporation, General Hospital, Vashi dated 29.11.2025, further Report from Dr. Nanasaheb Dharmadhikari SDH Panvel Hospital dated 22.12.2025, further Report from Sir J. J. Group of Hospitals, Mumbai advising cataract surgery in both the eyes dated 23.12.2025 and copies of the orders granting bail to the co-accused persons are placed before me.

5. Per contra, learned Prosecutor, however, vehemently submits that considering the nature of the act committed by the Applicant for which he is indicted, this Court should be cautious to exercise its discretion, since the act is such that if the Applicant is released on bail, he is likely to reoffend himself. Learned Prosecutor may be right but then the Court's discretion will have to be used on the basis of all parameters which are placed before the Court, rather than look uni directionally only in one direction as a facet for grant of bail. Looking at Applicant's precarious medical condition, adequate terms can be undoubtedly put insofar as the Applicant is concerned. The Applicant is an Advocate at the bar and therefore in view of the present prosecution, the prosecution can always seek appropriate action against him from the Bar Council of Maharashtra and Goa in accordance with law. The Applicant is 72 years old. He is infirm. Admittedly, this Court has taken

cognizance of his previous Prisoners Medical Reports which are placed on record prepared by the Chief Medical Officer of the Taloja Central Jail, where the Applicant is housed. There is nothing dis-believable about the said Reports. In that view of the matter, I am inclined to consider the request made by the learned Counsel for the Applicant for grant of bail for him on medical grounds to the Applicant more so because the Applicant will have to be otherwise fit physically in order to face the trial.

5. Considering the precarious medical situation of the Applicant and he requiring surgeries in both his eyes and most importantly, the subsequent Medical Report certifying that the Applicant is having blurred vision and this Report being prepared in February, 2026, this Court can well imagine what would be the medical status of his eyes today in September, 2026. In this view of the matter, the Applicant is granted bail on medical grounds as also he being infirm on the following terms and conditions.

- (i) Applicant – **Vinaykumar S/o. Shreeramsajeevan Sharma** is directed to be immediately released from prison in connection with CR. No. 544 of 2025;
- (ii) The Applicant is directed to be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rs. Twenty Five

Thousand only) with one or two sureties in the like amount;

- (iii) The Applicant shall report to the Investigating Officer at Panvel City Police Station, Navi Mumbai, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;
- (iv) The Applicant shall co-operate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. The Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;
- (v) The Applicant shall not leave the country without the prior permission of the Trial Court and shall deposit his passport with the Trial Court;
- (vi) The Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vii) The Applicant shall keep the Investigating Officer

informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

7. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

8. The Bail Application No. 3406 of 2026 is allowed and disposed of in the above terms.

(MILIND N. JADHAV, J.)