

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.56 OF 2015

AYABA @ NADIM AHAMAD KHALIL)
AHAMAD MOMIN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.M.Saraogi, Advocate for the Applicant.

Mrs.S.V.Gajare, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 23rd FEBRUARY, 2015.

P.C. :

1 Heard Mr.A.M.Saraogi, the learned counsel for the
applicant. Heard Mrs.S.V.Gajare, the learned APP for the State.

2 The learned APP has made available to me the report received from the Superintendent, Kalyan District Prison, enclosing therewith the report sent by the Civil Surgeon, Central Hospital, Ulhas Nagar, in respect of the medical condition of the applicant.

3 I have gone through the said report. It does appear that the applicant is suffering from an ailment relating to kidney, but it also appears that the applicant can be, and is being, treated properly in the Prison dispensary. Thus, it appears that only on the ground of ill-health of the applicant, he may not be released on bail.

4 Mr.Saraogi submits that the applicant is in custody since 3rd June 2013, and that, even a Charge has not yet been framed in the matter. He submits that, considering the withdrawal of the previous bail application and the report of the Prison Authority that the applicant can be treated properly while

in prison, he does not wish to press the present application, but that he be given liberty to seek bail, if the trial does not commence within a reasonable time. This submission is reasonable.

5 The application is allowed to be withdrawn and stands dismissed as such, with liberty to the applicant to apply afresh for bail, in the event of the trial not commencing within a period of three months from today.

6 The learned Judge of the trial court be requested to acknowledge the receipt of this order.

(ABHAY M. THIPSAY, J.)