

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.278 OF 2015
IN
BAIL APPLICATION NO.1961 OF 2014**

Anil Bhanudas Waghmode
Versus
State of Maharashtra

....Applicant.
...Respondent.

Mr. Rajiv Patil, Sr. Adv. i/by Mr. Randhir A. Kale and Vishal Kolekar,
advocates for the Applicant.
Mr.S.S.Pednekar, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : March 31, 2015.**

P.C.:

The application is moved for extension of the period of temporary bail, which was granted by this Court vide order dated 11.12.2014 in Criminal Bail Application No.1961 of 2014. Temporary bail was granted only on the health ground that the applicant/accused is suffering HIV positive and also tuberculosis. Now application is moved for further extension of temporary bail on the ground that the patient is continued to suffer from HIV positive and tuberculosis and now he has developed the problem of Gall bladder and he needs to be operated. In

support of this, medical certificate of one Late Kashinath Patil Hospital at Narpoli, Bhiwandi, District: Thane issued by one Dr. Shahid Khan is relied. It was submitted by the learned Senior Counsel that the applicant-accused needs to be operated for gall bladder. He is patient of third stage of tuberculosis and, therefore, his bail is to be extended.

2 The learned prosecutor opposed the bail application. He submitted that the certificate is not of any Government Hospital and that it is of private hospital from Bhiwandi and the applicant-accused is resident of Andheri.

3 On perusal of papers annexed to the application and on perusal of the order of this Court, it is the case of the applicant-accused that he is patient of tuberculosis and HIV positive is evident. He may be suffering from the problem of gall bladder and he may be required to be operated as certified by private doctor. However, on perusal of the affidavit of Amol Bhimrao Dawane, who is Chief Medical Officer, Mumbai Central Prison, it is found that he was suffering Tuberculosis and HIV Positive before he was admitted in the hospital in the year 2011. Details of the treatment given to the applicant-accused are mentioned in paragraph 3 of the said affidavit by CMO. This affidavit was filed in the earlier proceedings but now relied by the learned Senior Counsel for the

applicant-accused. In the same affidavit, it is mentioned that the applicant-accused would be referred to J.J.Hospital as and when required. This Court has rightly granted three months' temporary bail. Applicant-accused has taken a treatment in the private hospital and it shows that he was responding positively. However, no date of the operation of the gall bladder is mentioned. The health problems, which are faced by the applicant-accused can be treated in the J.J.Hospital and for that purpose, applicant is required to be referred to the specialist in the J.J.Hospital. Hence, I am of the opinion that no extension of bail be granted. Applicant-accused to surrender on or before 6.4.2015. The Special Judge, who is in charge of Special Case No.19 of 2011 to pass necessary orders in respect of the treatment given to the applicant-accused in J.J.Hospital or in consultation with the specialist of the J.J.Hospital by Chief Medical Officer of Arthur Road Jail. Registrar (Judicial) is requested to send a copy of this order to the learned Special Judge trying Special Case No.19 of 2011

(MRS.MRIDULA BHATKAR, J.)