

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.805 OF 2015

Santosh Jadhav

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Abhishek Yende i/b jayant Bardeskar for the Applicant

Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 3, 2015**

P.C.:

1. This is an application for bail only on a limited ground that is the applicant/accused is suffering from HIV and needs a good private treatment. The applicant/accused is facing charges under sections 302, 307, 341, 143, 147, 149, 324, 323, 504, 506 r/w 34 of the Indian Penal Code in relation to C.R. No.I-70 of 2014 registered by Ozar police station, Nashik. He is in the prison since May, 2014. Earlier, he had moved a bail application before this Court i.e., No.2220 of 2014 which was allowed to be withdrawn on 24.2.2015 to move an application before the Sessions Court on medical ground. The application on medical ground was rejected by the Sessions Court. Hence, this application.

2. The learned Counsel for the applicant submitted that the applicant is

detained in Nashik Central Prison and he is not given good medical treatment. There is no regular check-up. Hence, he is to be bailed out.

3. The learned Prosecutor produced medical report of applicant, which is given by the Chief Medical Officer, Nasik Road Central Prison dated 2.7.2015.

4. Perused the report. It shows that he is given treatment and also he is allowed to take medicine from one Mr.Thakur, M.O., privately. It is reported that today his mental and physical condition is good and his CD₄ count is comparatively better. In view of this, I am not inclined to grant bail on medical ground. However, the following directions are given to the Chief Medical Officer and the Jail Superintendent, Nashik Road Central Prison:

The applicant/accused Santosh Jadhav is to be given a better treatment for his ART and HIV ailment. He shall be sent for medical check up regularly and preferably twice in a month and the report of the said check up and treatment given is to be regularly submitted to the learned Sessions Judge, where the Sessions Case No.61 of 2014 is pending.

5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)