

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [APPA] NO.664 OF 2015
IN
CRIMINAL APPEAL [ST.] NO.605 OF 2015

Sanket Dadabhau Sarode

..Applicant

Versus

State of Maharashtra

..Respondent

....

Mr. D.G. Khamkar, Advocate for the Applicant.

Mr. A.R. Patil, APP, for the Respondent-State.

....

CORAM : A. R. JOSHI, J.

DATE : 15th JUNE, 2015

P.C.

1. Heard learned Counsel for the applicant on this application for temporary bail on medical grounds. The applicant is convicted for the offence punishable under Section 376(2)(g) of IPC along with one another co-accused. He is sentenced to suffer RI for the period of ten years which is minimum prescribed under the Act for the said offence. The appeal is already admitted but no application for bail is preferred by the applicant at any time except this application for temporary bail on medical grounds. Even

during the trial before the Sessions Court, the applicant was in custody. The prosecutrix is a young age girl of 17 years or so and she is mentally retarded girl.

2. Now coming to the grounds for release on temporary bail it is argued on behalf of the applicant that while on parole in March, 2015, he met with an accident on or about 24.5.2015 and as such presently he is hospitalized in a private hospital. On this aspect, learned APP stated that the medical certificate and the reports showing ailment and injuries sustained by the applicant are as per the private hospital and there is nothing on record regarding any immediate treatment taken in Government hospital. Even there is nothing on record how the applicant sustained injuries in a motor vehicle accident. Only a passing remark is made in the application that he met with an accident while riding a motorcycle. As per the medical certificate of the private hospital there are fractures on his radius – ulna and he is presently hospitalized. However, it is to be ascertained by this Court whether this is the

ground for granting him temporary bail for the period of six months as prayed when the offence is of heinous nature and the applicant has been convicted for the offence punishable under Section 376(2)(g) of IPC along with another accused and all along during the trial the applicant was in custody.

3. Reportedly, for twice the applicant was released on parole and on one occasion he was released on furlough and on earlier occasions after said benefit he has reported to jail. However, this time according to him his parole granted in March, 2015 has been extended till 17th June, 2015 but without there being any paper annexed to the application. Whatever it might be, this is not the main question whether his parole was extended or not and here the question is whether he can be released on bail as it is very much difficult and impossible for the applicant to surrender back to the jail.

4. Considering these circumstances, in the opinion of this Court, this is not a case in which medical bail can be

granted for the limited period as prayed. Of course, this is not an application for grant of bail on merits of the case. In the result, application is rejected and accordingly disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)