

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1038 OF 2015

Atul Appasaheb Shitole	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Prashant M. Patil, Advocate for the applicant.
Mr. S.S. Pednekar, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 3, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 376(2)(i), 366A, 506(2), 420, 108, 507 r/w. 34 of the Indian Penal Code, under section 4(25) of the Arms Act, under section 37(1) r/w. 135 of the Bombay Police Act, under section 2(1)(kha) of Maharashtra Prevention and eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act of 2013 and under section 3 & 4 of Prevention of Children from Sexual Offences Act, 2012.

2. The learned counsel for the applicant submitted that he is not pressing this Application for regular bail but his prayer is only for bail on medical ground, as the applicant/accused is suffering from tuberculosis. The learned counsel has pointed out his certificate dated 6th April, 2015 issued by Medical Deputy Superintendent, Sasoon General Hospital, Pune that he is diagnosed case of Pulmonary Tuberculosis. It is

submitted that the applicant is not getting good treatment in Yerawada Central Prison, as he is kept along with under trial prisoners. The learned counsel submitted that the applicant be given temporary bail and he is ready to bear the expenses of escorts.

3. Learned APP submitted that the applicant has not filed regular Bail Application on merit before the learned Sessions Judge. Learned APP submitted that the prosecution is opposing to release the applicant/accused on bail on medical ground. Learned APP pointed out the remarks in respect of Health Report dated 18th January, 2015 given by Chief Medical Officer of Yerawada Central Prison.

4. This Application is pressed only on medical ground, therefore, this Court is not making any observation in respect of nature and gravity of the offence and the evidence against the applicant/accused. However, as the Application is pressed only on medical ground, I have perused the medical papers. One certificate dated 6th April, 2015 is produced stating that the applicant is diagnosed for Tuberculosis. If the patient is suffering from tuberculosis, the Superintendent and Chief Medical Officer of Yerawada Central Prison can very well take care of the patient and medical treatment to that effect can be given to the patient along with good diet. The learned Sessions Judge while rejecting the temporary Bail Application dated 27th April, 2015 has already directed the Medical Officer of

Yerawada Central Prison to treat him and give good diet. I do not find any ground to consider this Application and grant temporary bail. It is to be noted that this Applicant/accused was granted 15 days temporary bail from 18th October, 2014 to 1st November, 2014. Thereafter, he again moved an Application for temporary bail and he was granted 3 months temporary bail from 27th January, 2015 till 27th April, 2015. Considering his history of getting temporary bail, the Application for bail is summarily dismissed.

(MRS.MRIDULA BHATKAR, J.)