

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1066 OF 2015

Mehmood Abdul Tahir Patel. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. S.V. Marwadi i/b. Mr. Kartik Garg, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 6, 2015

P.C.:

1 Not on board. Upon production taken on board.

2 Heard the learned Counsel for the applicant and the learned
APP for State. Perused papers.

3 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 19th April, 2015
and is in jail. At the threshold, the learned Counsel for the applicant
fairly submits that he is not pressing this application on merits of the

matter, but is seeking temporary bail on humanitarian ground. The applicant herein has filed an affidavit of his wife Mrs. Anisha Mehmood Patel, who had specifically stated that her mother-in-law namely Noorafsar Taher Patel aged about 80 years is serious.

4 The learned APP has taken instructions to that effect. The police authorities had visited Diamond Hospital and have noticed that the mother of the applicant is in I.C.C.U. The certificate issued by Diamond hospital is taken on record and marked as Article - "X" for the purpose of identification. The hospital has certified that the mother of the applicant was admitted in the hospital on 28th June, 2015 for congested cardiac failure. She had hypoglycemia. On humanitarian ground, the applicant deserves to be enlarged on bail for a period of one week. It is made clear that the application is not being considered on merits of the matter.

5 The learned Counsel for the applicant submits that during the pendency of this application, investigation is completed and charge-

sheet is filed and hence, he seeks further liberty to approach Sessions Court under Section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Court shall consider his application on its own merits without being influenced by the disposal of this application.

6 Hence, following order is passed :

ORDER

- (i) The application is partly allowed.
- (ii) The applicant be enlarged on temporary bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount. The applicant shall be enlarged on cash bail for a period of one week commencing from 8/7/2015.
- (iii) The applicant shall surrender before the jail authorities on or before 5 p.m. of 16/7/2015.

(iv) The applicant shall report to the concerned police station on 10th and 13th July, 2015 and mark his presence before the investigating officer.

7 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)