

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.719 OF 2015
IN
CRIMINAL APPEAL NO.1073 OF 2013

Ganesh Pratap @ Sanjay Patil

..Applicant.

Versus

State of Maharashtra

..Respondents.

Mr. A.L.Bhise i/by Sweta Nijhawan, advocates for applicant.

Mr. J.P.Yagnik, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : 29th September, 2015.

P. C. :

Heard learned counsel for the applicant and the learned APP for the State.

2 This application is filed for temporary bail during the pendency of the afroesaid appeal.

3 Applicant is the original accused no.3. He has been convicted along with the other accused for the offences punishable under Sections 302 read with 149, 143, 147, 148 and 452 of the Indian Penal Code, 1860 and also Sections 5 read with 27 of the Arms Act. Applicant is sentenced to suffer imprisonment for life and other terms of imprisonment for other offences.

4 The applicant had earlier applied for temporary bail on the ground that he is suffering from cancer by filing Criminal Application No.1462 of 2014. The Division Bench of this Court by an order dated 25.11.2014 was pleased to release the applicant on temporary bail for a period of six months from the date of his release. Liberty was also granted to the applicant to apply for extension of bail after expiry of the said period of six months. This period of temporary bail of six months was expired on 26.6.2015. Thereafter, the applicant has filed the present application for regular bail.

5 Last time when the application was placed for orders on 4.9.2015, we directed investigating officer to verify the medical papers of the applicant and submit report to this Court. Accordingly, report dated 11.9.2015 is submitted by the Senior Police Inspector, Islampur Police Station, Sangli. Along with the report, medical certificate of Dr. Ravindra M. Joshi dated 7.9.2015 and medical papers of the applicant's illness are also annexed. Same are taken on record. Report and the medical certificate do reveal that the applicant is a diagnosed case of Lymphoblastic Lymphoma (Cancer) and he was receiving treatment in Dr. Joshi's Cancer Centre. The applicant has completed part of the treatment. Certificate further shows that approximate duration of further remaining treatment for him is one and half years and this treatment is to be delivered both as an OPD and indoors basis as needed and dictated by clinical situation and includes chemotherapy and supportive care. Report also shows that

applicant is in a controlled disease status as of now. The applicant is, however, required to follow all precautionary measures and hygienic measures as well as he has to avoid crowded places and strenuous work. Report of the Senior Police Inspector also shows that police visited residence of the applicant and found that applicant is following all the precautionary instructions as given by Dr. Joshi. We asked learned APP whether this facility is available in the jail hospital. He submitted that treatment like chemotherapy is not available in jail hospital.

6 In the light of fact that applicant is suffering from serious ailment requiring medical treatment which is not available in the jail hospital, we are inclined to enlarge the applicant on temporary bail for a period of six months from today and thereafter the question of extension of the said temporary bail would be reviewed by the Court depending upon the treatment and health status of the applicant.

7 We, accordingly, allow this application partly and suspend the substantive sentence of imprisonment for life and release the applicant on temporary bail for a period of six months, on executing fresh PR bond in the sum of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

8 It is made clear that after expiry of six months, the applicant is at liberty to apply to this Court for extension of

temporary bail granted to him by this order. In the event, the applicant does not make any application or the Court does not extend the period of bail, applicant shall surrender to his bail after expiry of the period of six months.

9 In the event, the applicant is shifted from Dr. Joshi's Cancer Centre, necessary information regarding the hospital shall be given by the applicant to the concerned police station. Application is allowed to the extent indicated above.

Parties to act on an authenticated copy of this order.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.