IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1309 OF 2015

Anupam Ratnesh Thakur .....Applicant
V/s.
The State of Maharashtra ....Respondent

Mr. Rajiv Patil, Senior Counsel I.b Mr. Randhir Kale for Applicant
Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 30th JULY 2015

PC :

Heard. Learned counsel for the applicant submits that application filed by him seeking bail on merits is pending before 47th Esplanade Court, Mumbai. In the interregnum, applicant had filed an application seeking temporary bail on medical grounds before Sessions Court which was rejected by an order dated 04/07/2015. Learned Sessions Judge without going into the merits of the matter or the medical case history, has observed that since the application filed by the applicant is pending before Esplanade Court, it would be appropriate that applicant files an application before Esplanade Court. However, in the present application, applicant is seeking temporary bail for a period of 6 months.

2) Learned APP has vehemently opposed the hearing of the application on

the ground that no application seeking temporary bail was made before Esplanade Court. It is further submitted by learned APP that grounds raised in the application filed before the Sessions Court are omnibus and that it was never brought to the notice of the Sessions Court that applicant is suffering from pulmonary tuberculosis.

3) In view of this, learned senior Advocate seeks liberty to withdraw the application with further liberty to file an application seeking temporary bail on medical grounds before 47th Esplanade Court, Mumbai.

4) Liberty as prayed for is granted. Learned Court, without being influenced by the withdrawal of this application, shall consider the application on its own merits, including medical reports given by jail authorities. In the given circumstances, learned Court is requested to make an endeavour to decide the application seeking bail on medical ground only, if so filed, within three days after application is filed. It is made clear that it shall have no bearing on the application seeking bail on merits.

5) Application stands dismissed as withdrawn.

(SMT. SADHANA S. JADHAV, J.)

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