

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1402 OF 2015

Ganesh Raghunath Bhoir .Applicant

v/s.

The State of Maharashtra .Respondent

WITH

CRIMINAL APPLICATION NO.667 OF 2015

IN

BAIL APPLICATION NO.1402 OF 2015

Manda Harishchandra Gosavi .Intervener

IN THE MATTER BETWEEN

Ganesh Raghunath Bhoir .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Sudeep Pasbola i/b. Mr.Rahul Arote, Advocate,
for the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State
Ms Meghana Gowalani, Advocate, for the
Intervener in Cri.Appln.No.667 of 2015

CORAM : REVATI MOHITE DERE, J.

DATE : 15.09.2015

P.C.

. Heard learned counsel for the applicant, learned APP for the respondent – State and the learned counsel for the intervener.

2. At the outset, learned counsel for the applicant does not press for prayer clause (a). He states that he is only pressing prayer clause (a)(a) which reads as under :-

“This Hon'ble Court be pleased to release the applicant on temporary bail on the medical reasons.”

3. The applicant seeks temporary bail on the ground, that the applicant's 6 years old son, Kuber is suffering from abdomen and pelvis problems and has been advised to undergo surgery of hernia by the doctor. He states that the applicant's son Kuber was admitted earlier in the hospital on several occasions and that there

is no member in the family to look after the child. He submits that the applicant is divorced from his wife and that the child is staying with the sister-in-law of the applicant. He has relied on the Medical Certificate annexed to the said application.

4. Learned APP states that the police have recorded the statement of the wife of the applicant. In the said statement, the wife of the applicant has stated that they had separated due to some misunderstanding and that her condition is extremely poor. She states that she has to earn her livelihood by working in the agricultural field. She states that the children are kept with the sister-in-law. Learned APP has also verified the genuineness of the Certificate issued by Dr.H.S.Lapsia. She submits that the applicant may be enlarged on a temporary bail for a period of four weeks. Learned APP on the

instructions of the investigating officer, ASI Mr.G.K.Katakdhond, who is present in Court states that they have no objection, if the applicant is granted temporary bail for a period of four weeks, considering the illness of his son and the fact that he requires immediate surgery.

5. Learned counsel for the intervener opposed the bail application by stating that the trial has come to fag end. However, considering the urgency that is required for operating the applicant's son, the applicant is granted temporary bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on temporary bail for a period of four weeks on his furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant during the said period shall not enter the jurisdiction of Ambarnath Police Station;

(iii) The applicant shall report at Shivajinagar Police Station, Ambarnath on every Monday and Thursday between 9.00 a.m. to 10.00 a.m. during the said period;

(iv) The applicant during the said period will attend the Court on the dates of the hearing. The applicant shall surrender in the jail on the expiry of four weeks;

(v) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer

of the concerned Police Station;

(vii) The applicant to cooperate with the conduct of the trial;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. In view of disposal of the Application, the Intervention Application No.667 of 2015 does not survive and the same stands disposed of accordingly.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

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