

JPP

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

**CRIMINAL APPLICATION NO. 1592 OF 2014
IN
CRIMINAL APPEAL NO. 863 OF 2009**

Mohamed Hasan Salim Shaikh. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mrs. B.P. Jakhade, Appointed Advocate for the Applicant.
Ms. U.V. Kejriwal, APP for the State.
Mr. S.B. Khartode, Jailor, Nashik Road Central Prison present.
Mr. S.T. Tayde, Constable present.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

JANUARY 21, 2015.

P.C. :-

This Application has been sent from Jail praying for his release on bail on the ground that the Applicant had undergone a surgery for fracture of lower tibia and despite the surgery, his condition is not improving.

2. Learned APP has tendered before us a report dated 10.1.2015 which indicates that the Applicant was referred to the Civil Hospital at Nasik on several occasions and the Medical Officer on 3.1.2015 has observed that in case of continuation of the pain, the implant would have to be

removed and this surgery can be done at the Civil Hospital at Nasik. The Applicant however insists that the aforesaid surgery be performed at the B.Y.L. Nair Hospital, Mumbai instead of Civil Hospital at Nasik.

3. The learned Counsel appointed for the Applicant states on instructions that the Applicant is willing to bear the expenses of the surgery/treatment/admission for removal of the implant. In that light of the matter therefore, we direct the Respondents to refer the Applicant to the B.Y.L. Nair Hospital, Mumbai for examination and treatment for removal of the implant, on the expenses being borne by the Applicant.

4. Application is accordingly dismissed with the aforesaid directions.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)