

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 60 OF 2016

Hamraj Nurul Chaudhari. ..Petitioner.

Versus

State of Maharashtra. ..Respondent.

Mr. Vishal Laxman Kolekar i/b A. N. Pathan for the Petitioner.
Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 8, 2016.**

P. C. :

1. Learned Counsel appearing for the Petitioner, at the outset, having taken instructions from the Petitioner, makes a statement that he is restricting this petition to prayer clause (a) only. Prayer clause (a) reads thus :

“this Hon'ble Court by passing appropriate writ, order or direction, be pleased to direct the Superintendent of Arthur Road Central Prison to admit the Petitioner Mr. Hamraj Chaudhari in the J. J. Hospital urgently.”

2. Learned Counsel appearing for the Petitioner submits that despite orders dated 24th December 2015 and 26th December 2015 and 30th December 2015 passed by the Additional Sessions Judge, Court Room No. 10, the Petitioner's son is not admitted in the Government Hospital by the jail

authorities. We have perused the said orders. We indeed find that such orders are there. Learned APP for the State, having taken instructions from the officers, does not dispute Petitioner's statement that his son has not been admitted in the hospital despite directions. She however states that there seems to be some communication gap and today itself Petitioner's son would be admitted in the Government Hospital in terms of the orders referred to above. Statement is accepted as undertaking to this Court.

3. In the light of above statement made by learned APP, grievance of the Petitioner no more survives. Petition is, therefore, disposed of.

4. At this stage, learned Counsel appearing for the Petitioner submits that the Petitioner's son has not been granted leave to file bail application. We do not find any procedure under the Code of Criminal Procedure, 1973 which requires prior leave to be obtained before filing of bail application. The Petitioner is always at liberty to file bail application. No need to state that such application will have to be heard expeditiously and in accordance with law.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]