

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

**CRIMINAL BAIL APPLICATION NO. 229 OF 2016  
WITH  
CRIMINAL APPLICATION NO.115 OF 2016**

Jawahar Chellaram Bijlani @ Suresh Bijlani ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Niranjan Mundargi i/b. Santosh Musale for the Applicant  
Mr. D.P.Adsule, APP for the Respondent-State.  
Mr.Sanjeev Sawant i/b. Himanshu Kode for the Intervenor

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : FEBRUARY 11, 2016.**

**P.C.**

1. At the outset, the learned Counsel Shri Niranjan Mundargi seeks leave to amend prayer clause (a), so as to restrict the prayer for bail for only 15 (fifteen) days. Leave granted. Amendment to be carried out forthwith.
2. The applicant herein, who is facing trial in Sessions Case No.48 of 2015 arising out of C.R.No. 94 of 2015 for offences under Section

120B r/w. 302, 115 and 201 of Indian Penal Code, pending on the file of Sessions Court, Thane, has sought temporary bail for 15 days on the ground of ailment of his father.

3. The learned Counsel Shri Mundargi has submitted that the father of the applicant is suffering from cancer and that his condition is critical. He has submitted that the applicant may be granted bail on humanitarian ground, to attend to his father during his final days.

4. Learned Counsel Shri Sawant for the intervenor has submitted that the earlier applications filed on similar grounds were rejected by the court. He has further submitted that this court has also adversely commented on the conduct of the applicant. He has submitted that though the applicant is otherwise entitled for bail on humanitarian ground, the conduct of the applicant does not justify grant of bail.

5. The learned APP has also submitted that the applicant has earlier absconded and there is adverse report by the police and the conduct of the applicant does not justify grant of bail.

6. I have perused the records and considered the submissions advanced by the learned counsels for the applicant, the learned

counsel for the intervenor and the learned APP for the state. The records indicate that the applicant is facing trial for offence under Section 302 of IPC. The earlier bail applications filed by the applicant have been dismissed by this court as well as by the Apex Court. The present application for temporary bail is filed on the ground of ailment of his father . The applicant has placed on record medical reports of his father. The medical reports indicate that the father of the applicant is suffering from cancer and is admitted in Fortis- Hiranandani Health Care, Vashi.

7. The APP has confirmed this fact and as per the directions of the court has placed on record a certificate dated 10.2.2016 issued by the cancer surgeon of Hiranandani hospital. The said certificate indicates that the father of the applicant who is about 80 years of age has been admitted in Fortis Hiranandani hospital on 2.2.2016. The certificate indicates that the father of the applicant is suffering from cancer, his blood pressure is low, his kidneys are affected and he is on ventilator due to respiratory failure. The doctor has opined that his liver functioning has also deteriorated and the condition of the applicant's father is extremely critical and life threatening .

6. Considering the above facts and circumstances, in my considered view, the applicant is entitled for temporary bail for fifteen days on humanitarian grounds. Hence the order:

- i) The applicant is ordered to be released on bail for a period of 15 days w.e.f 12.2.2016, on furnishing personal bond and cash security of Rs.1,00,000/- (Rupees One Lakh only).
- ii) The applicant shall report to the crime branch Thane every day between 10.00 a.m. to 12.00 noon., from 13.2.2016 till 26.2.2016.
- iii) The applicant shall not interfere with the intervenor or any of the other witnesses in any manner.
- iv) The applicant shall surrender at Thane Central Prison on 27.2.2016 by 10.00 a.m.
- v) The passport if any possessed by the applicant shall be surrendered to the crime branch.

. Parties to act on the authenticated copy of this order.

**(ANUJA PRABHUDESSAI, J.)**