

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.158 OF 2016

IN

BAIL APPLICATION NO.1402 OF 2015

Ganesh Raghunath Bhoir

...Applicant.

vs.

The State of Maharashtra.

...Respondent.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr Indrajeet Joshi for the Applicant.

Smt. S.S. Kaushik, APP. for the State

Shri. P.M.Dongre, PSI from Shivaji Nagar Police Station, Ambarnath present in court.

CORAM : A.S.GADKARI, J.

DATE : 26th February, 2016

P.C.

This is an application for temporary bail on the ground that, the son of the applicant namely Master Kuber Bhoir, aged 7 years, is suffering from Congenital right side hernia with recurrent obstruction with Phymosis with Urinary track infection. The Consulting Surgeon has advised surgery as early as possible and the same is scheduled on 29.2.2016. The Consulting Surgeon has also advised to admit Master Kuber on 27.2.2016 in the hospital for investigation and medical check up.

The Learned APP on instructions submitted that the

certificate annexed to the application at Page-14 has been verified by the concerned police station and is a genuine certificate. The police have also received a letter dated 25.2.2016 from the Consulting Surgeon of New Swastik Hospital, Ulhasnagar who had reiterated the earlier advice given by him.

2) The learned counsel for the applicant submitted that by an order dated 15.9.2015 the applicant was released on temporary bail for the same reason but at that time because of medical complications, the surgery of his son Master Kuber could not be performed and the same was postponed. He further submitted that the applicant had preferred Criminal Application NO.875/2015 for extension of temporary bail on medical ground however, the same was not allowed and the applicant was granted liberty to renew his prayer if the need so arises in future. In view of the liberty granted by this Court on 17.10.2015 and in view of the facts as mentioned herein above the applicant has preferred the present application. The learned counsel for the applicant submitted that there is no other male member in the family of applicant and his wife is semi literate and is unable to make arrangement for the surgery.

3) After taking into consideration the fact that the son of the applicant namely Master Kuber has to undergo surgery on 29.2.2016 and he has to be admitted in the hospital on 27.2.2016, I am inclined to release the applicant on temporary bail on the following conditions.

ORDER

a) The applicant be enlarged on temporary bail from 27.2.2016 to 10.3.2016 on his furnishing PR bond of Rs.25,000/-

and cash bail of Rs.25,000/- to be submitted with the Superintendent. Kalyan Central Prison.

b) The applicant shall attend the Shivaji Nagar, Police Station, Ambarnath on 1.3.2016 and 5.3.2016 between 10.00 a.m. to 12.00 noon.

c) The applicant shall inform his latest place of residence and his mobile number, if any, after his release from Jail, to the Shivaji Nagar Police Station on or before 1.3.2016.

d) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.

e) The applicant shall surrender to the Jail Authorities on or before 5.00 p.m. on 10.3.2016 . The Superintendent, Kalyan Central Prison is directed to refund the entire cash bail amount of Rs.25,000/- to be deposited by the applicant to him on his surrender to Jail within a period of one week from 8.3.2016 without any demur or excuse.

f) Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)