

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

**CRIMINAL APPLICATION NO.744 OF 2016
IN
CRIMINAL APPEAL NO.1012 OF 2013**

Smt. Jaya Talakhsi Chheda	...Applicant
vs.	
That State of Maharashtra	...Respondent

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Mr. P. K. Dhakephalkar, Senior Advocate a/w Mr. B. G. Tangsali & Mr. Shekhar Ingawale i/b Mr. Santosh Shankar Musale for the applicant.
Dr. F.R. Shaikh, APP for the State.

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**CORAM : A.S. OKA & A.A. SAYED, JJ.
DATE : 8th JULY, 2016.**

P.C. :

. Not on board. Taken on board.

2. Perused the report dated 7th July, 2016 submitted by the Chief Medical Officer, Nashik Road Central Prison. We have perused the report dated 28th June, 2016 by the same Chief Medical Officer. It records that the applicant needs surgical intervention for spine and shoulder to avoid shoulder joint dislocation and will be sent for further medical management. In the report which is tendered today dated 7th July, 2016 it is stated that the applicant will be sent to Sir J. J. Hospital and Grant Medical College, Mumbai for further medical management.

3. In view of this statement, it is not necessary to grant the prayer for temporary bail. Hence, we dispose of the application by the following order.

ORDER

i) We direct the Jail Authorities to ensure that the applicant is shifted to Sir J. J. Hospital, Mumbai within a period of 1 week from today;

(ii) The State shall ensure that the applicant is admitted in Sir J. J. Hospital within a period of one week from today and will further ensure that if necessary, the surgery is performed as expeditiously as possible. Needless to say that if the applicant is required to undergo any further tests, necessary steps shall be taken by Sir J.J. Hospital, Mumbai;

(iii) All concerned including Jail Superintendent, Nasik Road and the Dean of Sir J. J. Hospital to act on the authenticated copy of this order. In the event, surgery is found necessary and is not performed within a period of 3 weeks, the applicant is at liberty to move this court for the appropriate direction. If surgical intervention is not found necessary by J.J. Hospital, the applicant shall be sent back;

(iv) The prayer for grant of temporary bail is rejected.

(v) The Criminal Application is disposed of in the above terms.

(A.A. SAYED, J.)

(A.S. OKA, J.)