

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

CRI. BAIL APPLICATION NO. 1234 OF 2016

Santosh Jadhav

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Abhishek Yende, Advocate for the Applicant.

Mr. S. S. Pednekar, A.P.P. for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. I-70 of 2014 for the offences punishable under sections 302, 307, 341, 143, 147, 149, 324, 323, 504, 506 r/w. 34 of the Indian Penal Code, registered with Ozar Police Station, Nashik on 6th May, 2014, by this application is praying for temporary bail.

2 Heard the learned counsel appearing for the Applicant/accused as well as the learned APP. Perused the documents placed on record. It is seen that the applicant had undergone hip replacement surgery at Soham Hospital And Medical Foundation Private Limited while he was released on temporary bail by the learned Additional Sessions Judge. Temporary bail was extended from time to time for medical

treatment of the applicant/accused. However, by order dated 13.06.2016, the learned Additional Sessions Judge was pleased to extend temporary bail only till 28.06.2016 with a rider that no further extension would be granted.

3 It is seen that during the period when the applicant/accused was enlarged on temporary bail, he has not misused liberty in any manner. It is also seen that the applicant is suffering from HIV and had undergone total hip replacement surgery recently. Medical certificate shows that the applicant /accused is unable to walk and he is not in position to sit cross legged or squat. It is argued that facility of commode is not available in Nasik Central Prison and as such it is not possible for the applicant/ accused to get himself re-admitted to Central Prison,Nasik till he is recovered from the effects of the surgery undergone by him.

4 Considering the medical urgency and need of the applicant/accused, he is released on temporary bail from 28.06.2016 to 28.07.2016. He should thereafter surrender himself before the prison authorities for readmission in the prison.

5 The application is disposed of in the above terms.

All concerned to act on an authenticated copy of this order, duly issued by the Registry.

(A. M. BADAR, J.)