

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.896 OF 2016

IN

BAIL APPLICATION NO.1285 OF 2016

Babita Jaggusingh Labhana ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.S.P.Kadam i/b. Mr.Prashant P. Raul, Advocate for the Applicant.

Mr.Mohd. Umar Z. Kazi, Advocate for Original Complainant.

Ms.V.S.Mhaispurkar, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : 20th OCTOBER 2016.

P.C.

1 Not on board. Upon mentioning, taken on board.

2 Learned Additional Public Prosecutor seeks time to obtain instructions. Mr.Kazi, learned counsel for original complainant is present and seeks time to file application to intervene.

3 Heard learned counsel for applicant. It is contended that this Court by its order dated 8th September 2016 had granted interim protection to applicant (Coram : Revati Mohite Dere J), which was in force till 20/10/2016 and prays that same be further extended till 22/11/2016.

4 Though learned Additional Public Prosecutor seeks has sought time, application can be considered on the basis of documents filed on record.

5 Perused order dated 08/09/2016, wherein it is specifically noted that after rejection of application for bail on merits, this Court had considered application for temporary bail on the ground of urgent surgery required to be undergone by the applicant at Tata Memorial Hospital or St.George's Hospital. This Court has accordingly released applicant on bail for a period of one month, which period was directed to be calculated from the date of release of applicant. Learned counsel for the applicant makes a statement at bar that applicant is released on bail on 21/09/2016, which period according to him thus comes to an end on 20/10/2016 and has thus prayed for extension of same.

6 Learned counsel for the applicant praying for extension of bail has referred to the Medical report of Tata Memorial Hospital dated 26/09/2016, on which date applicant is found examined and from the clinical notes dated 14/10/2016, is likely to get further medical advice on receipt of report which are likely to be received on 22/10/2016 and then applicant would be suggested further line of treatment for surgery or otherwise. From document of Tata Memorial Hospital, it is revealed that applicant is suffering with tumor in her breast.

7 In that view of the matter, I find substance in the application and same is thus allowed as per order below :

- (i) Interim bail granted by this Court to the applicant for a period of one month by order dated 08/09/2016 is further extended to 22/11/2016 on same terms and conditions.

(P. N. DESHMUKH J.)