

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2317 OF 2015

Bhanudas Eknath Kotkar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Mahesh Jethmalani, Sr. Adv., a./w. Nilesh Tribhuvan, Adv. i/b.
Satyam H. Nimbalkar, Adv. for the applicant in BA.
Mrs. Veera Shinde, APP for the State.
Mr. Anilkumar Patil, i/b. Jitendra Gaikwad, Adv. for the intervener.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 27th January, 2016.

P.C. :

1. By this application the applicant herein has sought to extend the temporary bail granted vide order dated 13th October, 2015 in BA No.1747 of 2015.

2. The applicant was arrested in Crime No. I-302 of 2009 registered with Kotwali Police Station, Ahmednagar for offences punishable under Sections 302, 201, 466, 120-B r/w. 34 of the IPC. Upon the completion of the said investigation the chargesheet was filed and being sessions triable, the case was committed to Sessions Court. The applicant had filed several applications for bail. The last application filed by the applicant was rejected by this Court vide order dated 8th July, 2015.

3. The applicant thereafter filed application No.1747 of 2015 for temporary bail, which was granted by this Court vide order dated 13th October, 2015. This Court had ordered to release the applicant on temporary bail for 45 days on certain terms and conditions stipulated in paragraph 8 (viii) of the said order. Said interim bail was extended from time to time.

4. The applicant had sought temporary bail mainly on medical grounds. By order dated 14th December, 2015, this Court directed medical examination of the applicant by the medical board of Sassoon General Hospital, Pune. Pursuant to the said order the applicant has been examined by the medical board of Sassoon General Hospital, Pune and the report has been placed on record. A perusal of the report reveals that the applicant is suffering from Urinary tract infection. The board has opined that the applicant is required to undergo Coronary Angiography which can be performed within a day. It is further stated that Coronary Angiography would be done only after the applicant is treated for Urinary tract infection. The board has also reported that the Coronary Angiography can be done in any hospital having Cathe Lab facility.

5. Mrs. Shinde, the learned APP for the State upon instructions submits that such facility is available in Sassoon General Hospital, Pune. She has further submitted that once the applicant surrenders he will be given all necessary treatment as per the medical advise. Considering the above statement and in view of the medical report, in my considered view the applicant can be given such treatment in Sassoon General Hospital, Pune. Hence it is not necessary to extend the bail on medical ground.

6. Under the circumstances the application for extension of temporary bail is hereby rejected.

7. The applicant is directed to surrender in Central Jail, Nashik on 30th January, 2016 by 2 pm. The Superintendent of Central Jail, Nashik to take the applicant to Sassoon General Hospital, Pune for medical examination on 31st January, 2016. The Superintendent of Central Jail, Nashik to ensure that the applicant is given the necessary treatment as per the medical advise.

(ANUJA PRABHUDESSAI, J.)