

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 307 OF 2017

in

CRIMINAL APPEAL No. 363 OF 2016

Bhanudas s/o Eknath Kotkar. ..Applicant.

Versus

State of Maharashtra. ..Respondent.

Mr. A. P. Mundargi, Senior Advocate with Mr. Nilesh Tribhuvan
for the Applicant.

Mr. J. P. Yagnik, APP for the State.

Coram : Ranjit More &
Smt. Revati Mohite Dere, JJ.

Date : **March 15, 2017.**

P. C. :

1. Heard. Mr. Mundargi, the learned Senior Counsel appearing for the Applicant, on instructions, makes a statement that at this stage he is not pressing bail application on merits and he is seeking bail on medical grounds only. Mr. Mundargi invited our attention to the medical certificates at page 255 and 257. He submitted that the Applicant was operated for laparoscopic bariatric surgery on 28th October 2015 and he is advised to maintain strict nutritional diet pattern. He further submitted that the Applicant's wife is admitted to Hinduja Hospital, Mumbai. She was examined by experts and advised coronary angioplasty. Mr. Yagnik, learned APP submitted that he has verified those certificates through investigating agency and found the same to be true.

2. The Applicant along with his three sons came to be convicted for the offence punishable under section 302 of the Indian Penal Code, 1860 and sentenced to life imprisonment. The Applicant as well as three sons are in custody since their arrest, i.e., from 11th September 2009. Admittedly, there is no other male member in the family of the Applicant. In these circumstances, in the interest of justice, we are of the opinion that case for grant of temporary bail on medical ground is made out.

3. The Applicant is directed to be released on temporary bail for the period of three months on furnishing PR bond of Rs.25,000/- with one or two sureties of the like amount. During the bail period, the Applicant shall not enter into Ahmednagar district. Mr. Mundargi states that during the bail period, the Applicant will stay in Mumbai. The Applicant is, therefore, directed to report to Marine Lines Police Station on every Monday and Thursday during 5.00 p.m. to 6.00 p.m..

3. Criminal Application stands disposed of.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]