

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

**CRIMINAL APPLICATION NO.686 OF 2017
IN
CRIMINAL APPEAL NO. 20 OF 2017
IN
CBI SPECIAL CASE NO. 74 OF 2004**

Anil Laxmichand Menda	...	Applicant
V/s.		
State of Maharashtra and anr.	...	Respondents

Mr.Abhijit S. Deshmukh for the Applicant.
Mr.Vinod Chate, APP for Respondent No.1/State.
Mr.H.S.Venegaonkar with Mr.Tejas Dhotre for Respondent No.2/
CBI.

**CORAM : A.M.BADAR J.
DATED : 18th September 2017.**

P.C. :

1. This is an application for releasing the applicant/accused on bail during pendency of the appeal filed by him.
2. This is second application moved by the applicant/accused, first being rejected on merit.
3. Heard the learned Advocate appearing for the applicant/accused. He argued that the applicant has suffered multiple fractures to his right leg and right knee joint which

were mended by implanting screw and nail. With passage of time these foreign bodies are coming out and the applicant is facing difficulty in following his day to day pursuit. He needs to undergo surgery for removal of implant. The learned Advocate further argued that applicant is suffering from multiple ailments and therefore, he needs to be released on bail during pendency of the appeal.

4. The learned Advocate appearing for the prosecuting agency -C.B.I. opposed the application and submitted that considering the medical report submitted by the Government hospital as well as medical hospital attached to the Kolhapur Central Prison, the applicant be permitted to carry out surgery in presence of guards at private hospital or he may be released on temporary bail.

5. The learned APP has tendered medical report of the applicant/accused which is taken on record and marked as Ex.A.

6. I have considered the rival submissions and also perused medical certificate annexed to the application. It is seen that in the year 1995 the applicant had suffered fracture of his right leg and right knee. That fracture injury came to be mended by implanting nail and screw. The applicant was taken to C.P.R. hospital, Kolhapur under directions of this Court and the attending Medical Officer has opined that implant removal

facility is available at the C.P.R.Hospital, Kolhapur, but considering period of surgery it is advisable that the implant removal surgery be done at the hospital/surgeon where previous surgery is done. It appears that earlier the applicant had undergone surgery at Aastha Hospital, Mulund. Considering the fact that the Medical Officer with the Government hospital opined that removal of implant is necessary and the resultant surgery may be done at the hospital/surgeon where the previous surgery is done, the applicant deserves to be released on bail for temporary period in order to enable him to undergo surgery for removal of implant. The learned Advocate for the applicant has stated that the applicant is furnishing cash security till arrangement of surety in case of his release on bail. Therefore, the order:-

ORDER

1. The application is partly allowed.
2. The applicant/accused in C.B.I.'s Special Case No. 74 of 2004 i.e. the Criminal Appeal No.20 of 2017 be released on bail for a period of two months from the date of his release on executing P.R. bond of Rs.50,000/- and on furnishing surety in the like amount. Time of two weeks is granted for furnishing surety. Till furnishing surety, he be released on depositing cash security of Rs.50,000/-
3. As a condition of this order, the applicant should inform his residential address as well as the address of the hospital

where he is intending to perform implant removal surgery to the prosecuting agency i.e. C.B.I./A.C.B. Mumbai. The applicant should also furnish his phone number to the prosecuting agency.

4. On completion of period of two months from his release the applicant should surrender himself before the prison authority.

5. The application is disposed of accordingly.

(A.M.BADAR J.)