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

**CRIMINAL BAIL APPLICATION NO. 687 OF 2017
IN
CRIMINAL APPEAL NO. 1262 OF 2013**

Vilas Dagdu Shinde ...Applicant(Orig.Accused No.5)
Vs.
The State of Maharashtra ...Respondent

Mr. Aniket Vagal, Advocate for the Applicant
Mr. H.J. Dedia, A.P.P. for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.
DATED : 3RD MAY, 2017**

P.C. :

Heard both sides.

2. The applicant has severe diabetes. The applicant is at present in Kolhapur Central Prison, Kalamba, Kolhapur. The applicant had wound on his left leg when he was in jail. On account of severe diabetes, the wound did not heal and instead got infected. Gangrene was detected and the left leg of the applicant was amputated below the knee. The applicant is seeking temporary bail on medical ground for a period of 4 weeks for undergoing prosthetic artificial limb treatment.

3. Learned A.P.P on the other hand submitted that the applicant has been convicted in a case under the MCOC Act i.e. in Special Case No.20 of 2011. Looking to the evidence on record it cannot be said that the applicant is not involved in the crime. In this view of the matter even temporary bail cannot be granted to the applicant.

4. However, looking to the fact that the left leg of the applicant has been cut off below the knee it may be necessary to get treatment of prosthetic artificial limb. As stated earlier we are not inclined to grant him temporary bail. However, instead we direct that the applicant be shifted from Kolhapur Central Prison, Kalamba, Kolhapur to Arthur road Jail, Byculla, Mumbai. They shall admit him in J.J. Hospital, Byculla, Mumbai.

5. The Arthur road jail authorities and authorities at J.J. Hospital, Byculla, Mumbai to ensure that the applicant is taken to All India Institute of Physical Medicine & Rehabilitation at Haji Ali, Mumbai for treatment of prosthetic artificial limb as such treatment

is provided there.

6. The applicant shall be kept in J.J. Hospital, Byculla, Mumbai till his treatment is complete. As soon as the treatment is over the applicant be shifted back to Arthur Road Prison, Mumbai where he shall be kept for 15 days and thereafter, he shall be shifted to Kolhapur Central Prison.

7. The application is allowed in the above terms.

8. Parties to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI, J.)