

Anand

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

BAIL APPLICATION NO.1231 OF 2017

Ganesh Raghunath Bhoir .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.M.M.Badgujar, Advocate, for the Applicant
Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 09.06.2017

P.C.

. Heard learned counsel for the parties.

2. At the outset, learned counsel for the Applicant only
presses prayer clauses (c) and (d) which read as under :-

(c) That this Hon'ble high Court , by exercising power u/s. 439 of Cr.P.C. be pleased to release applicant on temporary bail in connection with Special Sessions Case No.62 of 2010 at Kalyan Sessions Court in connection with C.R.No.149 of 2009 registered with Shivajinagar Police Station, Ambernath, Thane, for enabling him to get his daughter treated;

(d) That pending hearing and disposal of present Application, this Hon'ble Court be pleased to grant temporary bail to Applicant so as to enable him to undergo medical treatment on such terms and conditions this Hon'ble High Court deems fit and proper in connection with Special

Sessions Case No.62 of 2010 at Kalyan
Sessions Court.

3. The Applicant seeks temporary bail on two grounds;
(i) as his daughter is to be operated for acute appendicitis next week and (ii) to treat his 11 mm kidney stone.

4. Learned counsel for the Applicant submits that the Applicant is a divorcee and that the children are staying with sister-in-law of the Applicant. He states that there are no male members to look after them. He relied on the Certificate of Miss Sejal Bhoir, aged 11 yrs which is on page No.36 of the Application, to show that she is suffering from acute appendicitis and requires surgery. He submits that during the period of four weeks, the Applicant will not only get his daughter's surgery performed but will also get himself treated for his kidney stone. He submitted that earlier also the Applicant was granted temporary bail for getting his son's surgery performed. He states that the Applicant had complied with the said order and had surrendered within the stipulated period.

5. Learned APP has verified the genuineness of the Certificate on page No.36 of the Application, relied upon by the

learned counsel for the Applicant. He has no objection, if the Applicant is granted temporary bail.

6. The Applicant's daughter is aged 11 years and there is no male member to look after her and to arrange for the expenditure, likely to be incurred for the operation. Earlier the Applicant was granted temporary bail for a period of four weeks and had surrendered within the stipulated period. The same is also not disputed by the learned APP. It also appears that the Applicant is a divorcee and that the children are staying with his sister-in-law.

7. Considering the peculiar facts of this case, the Application is allowed and the Applicant is granted temporary bail on the following terms & conditions:-

O R D E R

- (i) The Applicant be enlarged on temporary bail for a period of four weeks on his furnishing P.R.Bond in the sum of Rs.25,000/with one or two sureties in the like amount;
- (ii) The Applicant during the said period shall not enter the jurisdiction of Ambernath Police Station;

(iii) The Applicant shall, however, report to the Shivajinagar Police Station, Ambernath on **every Monday and Thursday** between **9.00 a.m. to 10.00 a.m.** during the said period;

(iv) The Applicant during the said period will attend the Court on the dates of the hearing. The Applicant shall surrender before the jail authorities, on the expiry of four weeks;

(v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Officer of the Shivajinagar Police Station;

(vii) The Applicant to cooperate with the conduct of the trial;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)