IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 949 OF 2017
IN
CRIMINAL APPEAL NO. 318 OF 2017

Santosh Jayvant Jadhav. **..Applicant.**
Vs.
State of Maharashtra. **..Respondent.**

Mr. G.K. Gole, for the applicant.

Mr. A.R. Kapadnis, for the Respondent.

CORAM :RANJIT MORE &
SMT.SADHANA S. JADHAV,JJ
DATE : AUGUST 10, 2017

P.C.

1 Heard Mr. Gole, the learned Counsel for the Applicant and Mr. Kapadnis, learned APP for State.

2 The applicant was convicted for offence punishable under section 302 of the Indian Penal Code and sentenced to suffer life imprisonment. The above appeal filed by the applicant is admitted. The present application is filed for bail pending the said appeal.

3 The application for bail though filed on merit as well as on medical ground Mr. Gole, learned Counsel for the Applicant submitted that he

will restrict this application for temporary bail on the medical ground. The statement accepted.

4 The above application was placed before this Court on 2/8/2017. The learned Counsel pointed out that the applicant has undergone rib surgery in the year 2016 and in addition, he is also suffering from HIV. In light of this submission, this Court directed the learned APP to get the latest medical report of the applicant.

5 The learned APP accordingly has placed on record the report dated 3/8/2017 of Chief Medical Officer, Nashik Road Central Prison. The report shows that the applicant was already suffering from HIV and was registered at ART Centre, Civil Hospital Nashik. The report further reveals that the applicant was taking Antiretroviral Therapy (ART) for the said disease. The report also shows that the applicant had undergone hip transplant surgery at Soham Hospital (Private) as per the order of the Sessions Court at Niphad (Nashik). The report further shows that at present the applicant is complaining of pain at operative site, unable to walk properly, unable to sit down and general weakness. The applicant is also taking treatment for Antiretroviral disease (HIV) with symptomatic treatment at Jail Hospital as advised by Specialist.

6 In the light of the report and on humanitarian ground, we are inclined to grant the applicant temporary bail for the period of 3 months. Hence following order is passed :

ORDER

(i) The applicant is directed to be released on temporary bail for the period of 3 months i.e. till 13th November, 2017, on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount to the satisfaction of the trial Court.

(ii) The applicant shall surrender to the Additional Sessions Judge, Niphad(Nashik) on 14th November, 2017.

(iii) During the period of temporary bail, the applicant shall report and file monthly report of his health to the learned Additional Sessions Judge, Niphad(Nashik). The applicant shall also attend the Court of Sessions once in four weeks on the day assigned by the learned Additional Sessions Judge, Niphad(Nashik).

7 The application is disposed of accordingly.

[SMT.SADHANA S. JADHAV,J] **[RANJIT MORE, J]**