

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

**CRIMINAL APPLICATION NO. 1058 OF 2017
IN
CRIMINAL APPEAL NO. 83 OF 2017**

Shankar Hanumant Nagam	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Hrishikesh Chavan for the applicant.
Mr. S.V. Gavand, APP for Respondent/State.

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 09th OCTOBER, 2017***

P.C. :

1. By this application, the applicant who is undergoing sentence of imprisonment for five years for offence under section 307 of the Indian Penal Code, has sought suspension of execution of sentence and bail, which was dismissed on merits by order dated 21st March, 2017.

2. Subsequent to the dismissal of the said application, the applicant has now filed fresh application for bail on the ground of sickness of his wife. The medical reports which are placed on record from page 35 to 46 indicate that the wife of the applicant had undergone brain surgery in the year 2012. Based on the said medical reports of the year 2012, the applicant has now relied upon the certificate dated 20th May, 2017 issued by the Neurosurgeon from Nishkal Neuro Hospital, Nizamabad to contend that his wife is suffering from brain tumor and that his

presence is required to attend to his wife. A perusal of the said medical certificate dated 20th May, 2017 reads thus :-

“ This is pt. Pooja w/o. Shankar Nagam. She has taken treatment in Nishkal Neuro Hospital for brain tumor and brain surgery has done and she mentally distoped by her husband and she need her husband help in this time otherwise she will be in danger stage. ”

3. It is evident that the said medical certificate is based on the previous report of the year 2012/2013. A doctor has not verified whether the wife of the applicant is suffering from any sickness. He claims that the presence of the husband is required by her side.

4. In my considered view, the applicant cannot be released on bail on said ground, particularly, when the bail application has already been dismissed on merits.

5. Hence, the Criminal Application No. 1058 of 2017 is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)