

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1140 OF 2017
IN
CRIMINAL APPEAL NO.323 OF 2014**

Mahesh Vijay Majgaonkar ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

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Mrs.Nasreen S.K.Ayubi, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 21th August 2017.

P.C. :

1 This is an Application for temporary bail for a period of 30 days on the ground of medical emergency of father of the Applicant/convicted Accused.

2 Heard the learned Advocate appearing for the Applicant/convicted Accused. She submits that father of the Applicant is suffering from paralysis and his mother is also handicapped. The Applicant is their only son and, therefore, for medical arrangement of his aged parents, he be released on temporary bail for a period of 30 days.

3 The learned Additional Public Prosecutor opposed the Application by contending that as father of the Applicant is already discharged from the hospital, considering the nature of offence, the Applicant cannot be granted bail.

4 I have carefully considered the submissions so advanced. The Applicant/Accused is convicted of offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act and is sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs.1,00,000/- in default to further undergo simple imprisonment for six months. All documents placed on record shows that father of the Applicant has already discharged from the hospital on 19th April 2017. Old age of his parents and consequent arrangement for maintaining aged parents cannot be ground for temporary bail as it is not the case of medical urgency.

5 Considering the nature of offence, no case for temporary bail is made out. Hence, the Order :

(i) The Application is rejected.

(A.M.BADAR J.)