

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.646 OF 2018**

**IN**

**CRIMINAL APPEAL NO.620 OF 2015**

Ajay @ Dadaso Maruti Dhumal      ...      **Applicant**  
V/s.

The State of Maharashtra      ...      **Respondent**

....

Mr.Pranil Sonawane with Alefiya Mandiviwala, Advocate for the Applicant.

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

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**CORAM : A.M.BADAR J.**

**DATED : 5<sup>th</sup> DECEMBER 2018.**

**P.C. :**

1            This is an application by applicant/accused No.2 for releasing him on temporary bail for the purpose of helping his mother for getting her operated for spinal ailment. On earlier occasion, vide Order dated 5<sup>th</sup> January 2018 passed in Criminal Application NO.1650 of 2017, the appellant/accused No.2 was directed to be released on bail temporarily for getting his mother surgically operated for ailment of the spine. Now, by this application sent through jail, by annexing the Medical Certificate issued by the Medical Officer, Primary Health Center, Kasegaon, the applicant has stated that the surgery could not be performed

on earlier occasion because of medical advice to postpone it for six months.

2            Heard the learned Counsel appearing for the applicant/accused No.2. By drawing my attention to the medical certificate annexed to the application for temporary bail sent through jail, he argued that now mother of the applicant/accused No.2 needs to be operated and there is nobody to look at her in the family. The relatives of the applicant/accused No.2 are also convicted and they are also undergoing jail sentence.

3            The learned Additional Public Prosecutor opposed the application by submitting that on earlier occasion, temporary bail was granted to the applicant/accused No.2.

4            I have considered the submissions so advanced and even perused the impugned Judgment and Order of conviction of the applicant/accused No.2 along with co-accused. Maximum sentence imposed upon him is that of seven years for the offence punishable under Section 307 read with Section 149 of the Indian Penal Code. He is also convicted for other offences. Be that as it may, the medical certificate annexed to the application shows that mother of the applicant is suffering from Chronic PID L4-5 and she is advised to undergo surgery. The medical certificate shows that as mother of the applicant/accused No.2 was found to be suffering

from anemia, on earlier occasion that surgery could not be performed and it was postponed for six months.

5           As it appears that on earlier occasion, the surgery on mother of the applicant/accused No.2 was not performed and that after availing temporary bail for the period of fifteen days, the applicant/accused No.2 has returned back to the prison. He needs to be released on temporary bail in order to get his mother operated. Therefore, the Order :

ORDER

- (i) The application for temporary bail is allowed.
- (ii) The applicant/accused No.2 Ajay @ Dadaso Maruti Dhumal is directed to be released on temporary bail for a period of three months from the date of his release on bail on executing P.R.Bond 15,000/- and on furnishing surety in the like amount.
- (iii) After the lapse of period of three months, the applicant/accused No.2 to surrender before the concerned jail authority.
- (iv) The application is disposed of accordingly.

**(A.M.BADAR J.)**