

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION No.1072 OF 2018
IN
CRIMINAL APPEAL NO.810 OF 2015**

Sadashiv Mallinath Pujari

... Applicant

Vs.

The State of Maharashtra

... Respondent

Ms.Rohini Dandekar for the Applicant

Mr.V.B. Konde-Deshmukh, APP, for the Respondent/State

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ..
DATED: SEPTEMBER 5, 2018**

P.C.:

1. The applicant is a convict, who is detained at Kolhapur Central Prison at Kalamba and he is sentenced under sections 302, 404 and 201 of the Indian Penal Code. He has applied for temporary bail on the ground that his earlier prosthetic foot is now damaged and, therefore, he suffers pain and it is difficult for him to carry out his routine work. The said artificial foot is to be replaced and, therefore, he has prayed that he is to be given temporary bail for medical treatment.

2. In reply, the learned APP has submitted that such treatment is possible in Government hospital at Kolhapur. The learned APP

submits that such treatment can be taken from any other hospital at the State expenses for which now the Government has approved Rs.10,000/-. The learned Prosecutor submits that he has personally spoken to the DIG of Prisons and she has confirmed that the treatment of replacement of Prosthetic foot like Jaipur foot has commenced. The learned Counsel for the applicant/accused submits that alongwith the prosthetic foot, the applicant be also provided artificial shoe so that he will be able to walk and do his routine work.

3. In view of this, we dispose of this application with the following order:

i) The prosthetic foot like Jaipur foot alongwith shoe, as per the requirement of the applicant/accused, is to be provided at the State expenditure.

ii) If the amount of treatment exceeds Rs.10,000/-, then, the excess amount is also to be borne by the State. The treatment shall be carried out as early as possible.

4. Criminal application is disposed of accordingly.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)