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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 974 OF 2018****IN****CRIMINAL BAIL APPLICATION NO. 3 OF 2018**

Nikhil Ashok Bhole

....Applicant

Vs.

The State of Maharashtra

....Respondent

Mr. P. M. Havnur I/b Saluke & Co. Advocate for the applicant

Mr. S. R. Agarkar APP for the State.

Mr. S. Y. Khan API WTT, PS a/w Pisal PSI Chembur Police Station

CORAM : PRAKASH D. NAIK, J.**DATED : 21st DECEMBER, 2018****P.C.**

This is an application for bail on medical grounds. Applicant was arrested in connection with POCSO Special Case no. 248 of 2017 arising out of CR no. 65 of 2017 registered with Chembur Police Station.

2 Applicant had preferred an application for bail before this

Court on medical grounds which was allowed by an order dated 27/04/2018 and the applicant was granted bail for a period of 3 months. While allowing the said application, it was observed that the report of the Civil Surgeon, Thane was perused. From the report it appears that applicant is suffering from Tuberculosis and requires special treatment. Applicant was also require proper diet and regular monitoring by specialized doctor. It was further observed that it was undisputed that the condition of the applicant was not good and that he was getting regular fever, chest pain coupled with cough. Having regard to the medical condition, bail was granted for a temporary period. It is submitted that applicant is still suffering from the said ailment and has been undergoing treatment. Applicant had preferred this application on 06/08/2018 and since then, application is pending in this Court.

3 The learned counsel for the applicant submitted that the special treatment is required for treating the applicant. It is prayed that the applicant be granted bail for further period of 6 months. The case papers with regards to the treatment given to the applicant

in the Municipal Corporation Hospital are annexed to this application. The learned counsel for the applicant also tendered the medical case papers of the applicant provided by the hospital of Brihanmumbai Mahanagar Palika (MAA). The medical case papers indicate that the applicant was admitted for fever, chest pain, giddiness and blood in sputum. Medical case papers also indicate that the treatment is being given to the applicant. The said documents are taken on record. The learned counsel has also placed on record the photographs showing that the applicant was hospitalized for treatment which is also taken on record.

4 The learned APP had sought time to verify the report dated 21/09/2018 submitted wherein it is mentioned that the applicant was taken to KEM Hospital for treatment on 18/12/2018. However, he was not admitted as in-door patient and was examined at out patient department. The fact that applicant was taken for treatment is not disputed, the nature of ailment which applicant is suffering requires further treatment. It is also infectious disease.

5 Considering the aforesaid circumstances, applicant is directed to be released on bail on the same terms and conditions stipulated in the order dated 27/04/2018. Hence, I pass following order:

ORDER

(I) Applicant be released on temporary bail for a period of three months on furnishing P. R. bond on furnishing P. R. bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

(II) Applicant shall not tamper with the evidence or contact/influence the complainant, witnesses or any other person concerned with the case.

(III) Applicant shall not enter the jurisdiction of Chembur Police Station till further orders.

(IV) Applicant shall inform his latest place of residence, mobile/contact o. to the Investigating Officer.

(V) Applicant shall surrender on the expiry of three months.

6 Application stands disposed of.

[PRAKASH D. NAIK, J.]