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

**CRIMINAL APPLICATION NO. 1726 OF 2018
IN
CRIMINAL APPEAL NO. 800 OF 2017**

Arun Raghunath Bhoir	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Rajendra Raghuvanshi I/b Abdul Kader Millwalla for the Applicant.
Mrs. P. P. Shinde, APP for the Respondent-State.

**CORAM : INDRAJIT MAHANTY AND
V. K. JADHAV, JJ.**
DATE : 20th DECEMBER, 2018.

P. C.

1. Heard Mr. Raghuvanshi, learned Counsel for the Applicant and Mrs. Shinde, learned APP for the Respondent-State.
2. Leave granted to the learned Counsel for the Applicant to amend the prayer in the Application in Court today.
3. This Application has been filed by Applicant Arun Raghunath Bhoir seeking interim bail for the period of three months to look after the needs of his wife Mrs. Vimal Bhoir who has undergone breast cancer surgery and required to be taken chemotherapy and apart from this reason, the learned Counsel for the Applicant also seeks bail for the reasons that the Applicant

is also not physically well and required medical treatment. In this aspect the observations of the learned Sessions Court in order passed below Exhibit 341 in Sessions Case No. 62 of 2010 dated 16.01.2015 are as under:

“4) I had occasion to visit Adharwadi Jail in every month. I had seen the physical condition of accused No.6 – Arun Raghunath Bhoir who is unable to walk and sit. It is unable for him to go for nature's call as his naval portion is increased and hanging. I had also discussed with the medical officer concerned in Adharwadi Jail who used to send the accused to various hospitals for medical treatment but there was no improvement.”

4. Under the aforesaid circumstances, we had requested Mrs. Shinde, learned APP to obtain the instructions in the matter and file Report. Learned APP has filed the Report confirming the fact that Mrs. Vimal Bhoir is suffering from serious illness of cancer and she has been advised chemotherapy treatment. Apart from that certification she has also been obtained separate Report from the Chief Medical Officer, Nashikroad Central Prison dated 17.12.2018 stating that the convict-Appellant Arun Raghunath Bhoir is suffering from various ailments and is unable to walk and sit, cannot do his regular activities due to overweight, increased pain in defecation, lower left eye vision, both knee joint and abdominal pain and chest pain at left side. The Report, submitted by the learned APP, is taken on record.

5. Considering the report obtained by the learned APP and the circumstances hereinabove, we direct that the Applicant Arun Raghunath Bhoir be released on interim bail for a period of three months subject to following conditions:

ORDER

- (i) The Application is partly allowed.
- (ii) Applicant Arun Raghunath Bhoir be released on temporary bail for the period of three months from the date of his release on furnishing P. R. bond of Rs.20,000/- with one solvent surety in the like amount.
- (iii) The Applicant shall undertake that he shall surrender before the Jail Authority on completion of period of interim bail.
- (iv) The Application is, accordingly, disposed of.

[V. K. JADHAV, J.]

[INDRAJIT MAHANTY, J.]