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

CRIMINAL BAIL APPLICATION NO.1516 OF 2019

Noorjaha Mehmood Mulla	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Silvin Kale, for the Applicant.

Mr.A.R.Kapadnis, A.P.P for the Respondent - State.

PSI – Santosh Chavan, Mankhurd Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail, in connection with C.R.No.429 of 2016 registered with the Mankhurd Police Station, Mumbai, for the alleged offences punishable under Sections 363, 365, 370(1) (3) (4) (5) and 34 of the Indian Penal Code r/w Sections 81 and 82 of the Juvenile Justice (Care and Protection of Children) Act.

3. Learned Counsel for the applicant seeks bail on medical ground, as the applicant's condition is serious. He submits that the applicant is suffering from 'Right parietal non-haemorrhagic infarct with tubercular meningitis' and that she is also suffering from HIV. He submitted that the applicant's son is ready to look after and take care of the applicant, who is his mother. The applicant's son Arman Mulla, has tendered his affidavit stating that his mother i.e. the applicant is seriously ill. He has stated that he will take care of his mother, after she is released on bail. He has also undertaken to produce his mother i.e. the applicant as and when required by the trial Court. The said affidavit of the applicant's son dated 3rd June, 2019 is taken on record and marked 'X' for identification.

4. Learned APP also does not dispute the fact that the applicant is suffering from the aforesaid illness. He has tendered a certificate issued by the Medical Officer, Mumbai District Women Prison, Byculla, Mumbai, dated 3rd June, 2019. The said medical report of the applicant is also taken on record and marked 'X-1' for identification.

5. Perused the papers. A perusal of the medical report of the applicant shows that she is a known case of HIV positive and is undergoing ART treatment from Goa, ART Centre, since before coming to the prison. It also appears from the certificate that she is taking ART from the J.J. Hospital since April, 2017. It also appears that the applicant was admitted in the J.J. Hospital from 1st April, 2019 to 12th April, 2019 and after thorough investigation she was diagnosed as suffering from 'Right parietal non-haemorrhagic infarct with tubercular meningitis' and is started with category – I anti-TB treatment. It also appears that she has fibro adenoma of right breast. The certificate also notes that she is taking treatment for HIV positive and ATT (Anti TB treatment) and brain haemorrhage treatment.

6. Having regard to the medical condition of the applicant and the affidavit filed by the applicant's son that he will ensure that the applicant is produced on the dates given by the trial Court, without going into the merits of the case, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.10,000/-, for a period of four weeks;
- (ii) The Applicant shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- (iv) The Applicant shall attend the trial Court on all the dates given by the trial Court.
- (v) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

- (vi) The Applicant shall co-operate in the conduct of the trial.
7. The Application is allowed and disposed of in above terms.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.