

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

CRIMINAL BAIL APPLICATION NO.1850 OF 2019

Sandhya Vinay Puri

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Satyam H. Nimbalkar i/b. Rohan N. Hogle a/w Hrishi D. Ghorpade, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th JULY, 2019

P.C. :

1. The Applicant has filed this application for her release on bail for a temporary period of three months in connection with C.R. No.306/18 registered at Chandannagar police station, Pune.

2. Earlier the application of Applicant for bail was rejected by the Court of Sessions, at Pune, vide order below Ex.4 in Sessions Case No.166/19 dated 04/04/2019 passed by

Assistant Sessions Judge, Pune. The Applicant is alleged to be involved in the offence punishable u/s 302 r/w 34, 120-B of the Indian Penal Code and section 3(25) of the Arms Act and section 37(1) r/w 135 of Maharashtra Police Act.

3. The Applicant has thereafter not preferred any other application for her release on bail raising the grounds on merit. Instead the Applicant has preferred this application for her release on bail for a temporary period for taking medical treatment.

4. The learned Counsel for the Applicant states that the Applicant was taken to Jehangir hospital under escort vide order passed by the Court of Sessions, at Pune. The Applicant has annexed medical certificate issued by Dr.Sanjay Piplani attached to Jehangir Hospital, Pune. This certificate mentions that the Applicant had undergone tests and biopsy at Jehangir Hospital, Pune and was diagnosed to have small cell Cancer and that she would be admitted for Chemotherapy on 08/06/2019 at Jehnagir Hospital.

5. Husband of the Applicant is present in the Court and learned Counsel for the Applicant makes statement on his instructions. Learned Advocate for Applicant states that though she was advised Chemotherapy she could not be admitted to the hospital as she was in jail. He further submitted that the Applicant is not in a financial position to bear the expenses of escort. However, he prays that looking into the medical condition it is necessary that she receives proper treatment in a good hospital. He therefore prayed that the Applicant be granted bail for a temporary period, so that she can take treatment in respect of her serious ailment.

6. Learned APP submitted that since the offence is serious, the permission for treatment can be given only under escort.

7. I have considered these submissions. The fact that the Applicant is involved in a serious offence, is undoubtedly an

important consideration. However, the other fact that she is suffering from Cancer, which is a life threatening disease, is equally important. The Applicant needs to be given immediate proper treatment. The Applicant therefore had approached Jehangir Hospital at Pune where arrangement for her treatment can be made. The submissions of the learned Counsel for the Applicant that she cannot afford the escort charges, is also reasonable because her stay in the hospital can be prolonged incurring heavy expenses. Everytime she will have to be taken to the hospital from the jail. Further more there is a need for proper care after the treatment of Chemotherapy is started. Therefore I am inclined to grant relief for temporary period to the Applicant. However, considering grave allegations against her, strict conditions will have to be imposed. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on temporary bail for a period of three months, in

connection with C.R. No.306/18 registered at Chandannagar police station, Pune on her furnishing PR bond in the sum of Rs.50,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall give details of her stay at the Jehangir Hospital to Investigating Officer.
- (iii) The Applicant shall furnish address where she will be residing during her treatment and during the subsistence of this order to the Investigating Officer. She shall also furnish any change in the address to the Investigating Officer.
- (iv) The Senior Inspector of Police Chandannagar Police Station shall employ one Constable in plain clothes to visit Jehangir Hospital every day any time during the day, to check whether the Applicant is still admitted in the hospital.
- (v) The Applicant shall deposit an amount of Rs.5,000/- by way of costs with the Senior Inspect of Police of Chandannagar Police Station, which can be utilized to send the

constable to Jehangir Hospital once in a day during her stay at Jehangir Hospital.

- (vi) Before her release on bail, the Applicant shall furnish her address to the Investigating Officer, where she will be residing after her discharge from the hospital and during subsistence of this order.
- (vii) Learned Counsel for the Applicant makes a statement that she will be staying at “C/o. Netaji G. Naikwadi, Kumar Pinnacle Society, Tadiwala Road, Building No.A-2, Flat No.105, Pune-411001”, which falls under the jurisdiction of Bundgarden Police Station. The husband of the Applicant shall report to Bundgarden police station any time during the day to mark his presence and to confirm that the Applicant is residing at that address.
- (viii) This order shall operate for a period of three months from 15/07/2019. At the end of that period the Applicant shall surrender before the jail authorities.

- (ix) If the Applicant does not surrender within the stipulated time, the Investigating Officer shall take immediate steps to arrest her.
- (x) Violation of any of these conditions would entail cancellation of this order and the State is at liberty to move for such cancellation of this order immediately.
- (xi) Copy of this order may be sent to the jail authorities.
- (xii) Parties to act on authenticated copy of this order.
- (xiii) With these observations, the application stands disposed of.

(SARANG V. KOTWAL, J.)