

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

CRIMINAL BAIL APPLICATION No. 3314 OF 2018

Rehamat @ Rehmatbhai Yusuf Pathan ...Applicant

Versus

The State of Maharashtra ...Respondents

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Mr.Gautam D. Padohilal for the Applicant.
Mr.A.R.Patil, APP for the Respondent – State.
Mr.B.B. Wagh, PSI, Bazar Peth Police Station.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: 29 JANUARY, 2019**

P.C.:

1. The first Bail Application No. 1405 of 2015 filed by the applicant/accused had been rejected by this Court on 6th April, 2016.
2. This is second Bail Application filed by the applicant/accused on the medical ground.
3. The applicant/accused is prosecuted for the offence punishable under sections 302, 201 read with 34 of the Indian Penal Code and under sections 3 (1), 3 (2) and 3 (4) of MCOC Act

in C.R. No. 65 of 2012 registered with Bazar Peth Police Station, Kalyan.

4. The learned counsel for the applicant/accused has submitted that now M.C.O.C. Special Case No. 4 of 2013 is going on. He has further submitted that the Division Bench of this Court by order dated 17th January, 2019 in Criminal Writ Petition No. 3675 of 2018, which was filed by the co-accused, directed the trial Court to decide the matter finally by 31st March, 2019.

5. It is informed by the learned Prosecutor that as on today, 30 witnesses are examined and 3 to 4 witnesses are left.

6. Perused the medical papers. It shows that the case of the applicant/accused is of lupus nephritis stage 3. It appears that the applicant/accused has been treated in J.J. Hospital since 2018. Under such circumstances, the Superintendent of Thane Central Jail is directed to send the applicant/accused for medical treatment as and when required and the Superintendent of J.J. Hospital is also directed to provide best treatment to the applicant/accused whenever he produced. If the trial is not over within stipulated

period as directed by the Division Bench of this Court, then liberty is given to the applicant/accused to file application for bail on the medical ground.

7. Hence, Bail Application is disposed of.

(MRIDULA BHATKAR, J.)