

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.429 OF 2019

(Mike Kelvin Philip Vs. State of Maharashtra thr. PSO PS Rajapeth, Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri C.A. Babrekar, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 12th JULY, 2019.

This application is taken out by the applicant – who is a Nigerian national for grant of bail on medical grounds.

2] The applicant is incarcerated in connection with Crime 386 of 2017 registered at Police Station Rajapeth, Amravati for offence punishable under Sections 416, 420, 465, 468, 469 and 471 of the Indian Penal Code and the provisions of the Information Technology Act.

3] The application for bail is rejected on merits by this Court.

4] Perusal of the order dated 18.02.2019 rendered by the Sessions Judge reveals, that after scrutinizing the entire medical papers, the learned Sessions Judge has found that the applicant can be operated/treated at the Government Medical College and Hospital, Nagpur and nothing is placed on record to show that the surgery would have to be performed at Mumbai.

5] The ailment from which the applicant is suffering dates back prior to the arrest. The applicant is suffering from multiple discharging sinuses over penis and it is not in dispute that he is advised surgery. However, as is noted by the learned Sessions Judge, the applicant can be operated at Government Medical College and Hospital, Nagpur. It is further noted by the learned Sessions Judge that the applicant is facing multiple prosecutions in various States across the length and breadth of India.

6] No case is made out for grant of bail on medical ground. The application is rejected.

JUDGE