

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 BAIL APPLICATION NO.1469 OF 2020

BHASKAR SOMA SURVE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. S J Rahate h/f S G Ladda
APP for Respondent : Mr. R V Dasalkar

...

CORAM : V.K. JADHAV, J.
Dated : December 18, 2020

...

PER COURT :-

1. I have heard the learned counsel for the applicant for some time.

2. In terms of the directions given by this Court in the order dated 10.12.2020 the learned APP has called the report. Accordingly, the Chief Medical Officer, Aurangabad Central Prison has submitted the report. The Chief Medical Officer, Aurangabad Central Prison has reported that the applicant was given treatment for K/c/o Pulmonary Tuberculosis with old fracture Tibia Left in Prison Hospital as per the advice of Doctors of GMCH, Aurangbaad in the form of AKT. He is also given supplementary High Protein Diet in the form of eggs and
aaa/-

milk. According to the Chief Medical Officer, Aurangabad Central Prison, Aurangabad, the applicant at present has no any symptoms of Pulmonary Tuberculosis and the applicant can perform his day-to-day activities without assistance of any other person.

3. Learned APP at this juncture brought my attention towards the order passed by the Additional Sessions Judge, Vaijapur wherein in paragraph no.7 of the order, the Additional Sessions Judge, Vaijapur has observed that this is the seventh bail application filed by the applicant on same health ground. Though, the applicant has shown his age as 70 years in the title clause, however, in paragraph no.9 of the order, the learned Additional Sessions Judge has observed that in the FIR, age of the applicant is shown as 58 years, however, in medical papers his age is wrongly shown as 68 years. As per the age of the applicant shown in the FIR, the applicant is hardly 61 years of age as on today and it cannot be said to be a extreme old age.

aaa/-

4. It is to be mentioned here that this is the third successive bail application of the applicant seeking bail on the same grounds. This Court on earlier occasions rejected the applications of the applicant seeking bail on merits. Thus, considering the entire aspect of the case, I am not inclined to entertain this bail application.

5. The learned counsel for the applicant, at this stage, on instructions, seeks leave to withdraw this application. Learned counsel submits that necessary directions may be given to the trial court for expeditious disposal of the case considering the detention of the applicant in jail in connection with the present crime.

6. Leave granted.

7. Bail application is disposed off as withdrawn. The applicant is at liberty to file an application for expeditious disposal of the case, and, upon filing such an application, the trial court to consider the said application.

(V.K. JADHAV, J.)

...

aaa/-