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

BAIL APPLICATION NO. 464 OF 2020

Santosh Moreshwar Mehar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. G. Bhawnani a/w Mr. A. W. Khan, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State
Mr. H. S. Mind, Senior Jailor, Taloja Central Jail, Mumbai present
Mr. V. R. Karambalkar, PSI, Colaba Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 05.03.2020

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. Heard learned counsel for the parties.

2. By this third Application, the Applicant seeks his enlargement on bail (on medical grounds) in connection with C. R. No. 133 of 2017 registered with the Colaba Police Station, Mumbai, for the alleged offences punishable under Sections 376, 354(A), (2), (D), 506 of the Indian Penal Code and under Sections 4 and 12 of the Protection of Children from Sexual Offences Act.

3. Both, the earlier bail Applications were rejected on merits. The present bail Application is filed on medical grounds, having regard to the medical condition of the Applicant i. e. the Applicant is suffering

from Schizophrenia, multiple calculi with sludge in gall bladder with Subacute Intestinal Obstruction.

4. On the last date, in view of the submissions advanced by the learned counsel for the Applicant, the learned APP was asked to place on record the Medical Report of the Applicant. Pursuant thereto, the learned APP has placed on record the Medical Report of the Applicant dated 05.03.2020, given by the Chief Medical Officer, Taloja Central Prison, Navi Mumbai. The said report is taken on record and marked as “X” for identification.

5. A perusal of the said report shows that the Applicant is suffering from multiple stones in the gall bladder. The medical report also shows that the Applicant is suffering from Schizophrenia and is under treatment for acute psychotic episodes. According to the Chief Medical officer, Taloja Central Prison, Navi Mumbai, the Applicant is presently in Prison Hospital and that psychiatric medicines are being administered to him under strict supervision. The Medical Report in conclusion states as under :-

“Schizophrenia, disoriented, suffering from memory loss, unhygienic, irregular bath and meals, Not Co-operative, restlessness, itching all over body, general weakness”. In the said report, the Chief Medical Officer has also stated that the prisoner is suffering from psychiatric disorder

and his general health condition is poor and deteriorating day by day. The report of Dr. Archana R. Singh, Visiting Psychiatrist, Civil Hospital, Alibaug has also been annexed to the Chief Medical Officer's Report, which shows that the Applicant is suffering from Schizophrenia, is disoriented, & suffers from memory loss. He is also stated to be of unsound mind. She has also stated that it is difficult to treat the Applicant in Taloja Prison, as he suffers from hallucinations and paranoid delusion.

6. Learned counsel for the Applicant has tendered an Affidavit of the Applicant's wife – Sandhya Santosh Mehar. In the said Affidavit, the Applicant's wife undertaken to look after the mental and physical well-being of the Applicant and has also undertaken to provide him medical treatment. She has also undertaken to ensure that the Applicant will not commit any offence whilst on bail and that she takes full responsibility of his behaviour. Learned counsel for the Applicant on instructions also states that the Applicant's wife will ensure that the Applicant will remain present before the trial Court on the dates given by the trial Court, so that the trial is not delayed.

7. Having regard to the Medical report tendered by the learned APP, depicting the medical condition of the Applicant, the Applicant is enlarged on bail only on the said ground on the following

terms & conditions :-

ORDER

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of Rs. 5,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iii) The Applicant shall attend all the dates given by the trial Court;
- (iv) The Applicant's wife to file an undertaking in the trial Court within one week of his release that she will comply with the undertaking given to this Court;
- (v) The Applicant shall not leave the jurisdiction of Mumbai / Thane city without the prior permission of the trial Court;
- (vi) The Applicant shall co-operate in the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)