

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 307 of 2019
IN
CRIMINAL APPEAL NO. 327 OF 2019**

Harish Raju Shergir

.....Applicant/
Appellant

versus

The State of Maharashtra

.....Respondents

Mrs. S. A. Dhamale, advocate for the applicant/appellant.
Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
SURENDRA P. TAVADE, JJ.**

DATE : 20th JANUARY, 2020.

P. C. :

Heard Mr. Dhamale, learned counsel for the applicant and Mr. Yagnik, APP for the State.

2. When the application was placed for orders on the last occasion viz. 17th December, 2019, a statement was made by learned counsel for the applicant that she does not press this application on merits. She had, however, prayed for temporary bail on medical ground. In view of the said statement, we directed learned APP to take instructions about medical condition of the petitioner.

3. According to the above referred directions, learned APP has taken instructions and placed on record the medical report dated 13th January, 2020 of the Chief Medical Officer, Nashikroad Central Prison, in respect of the applicant's health condition. The said report discloses as follows:

“ Convict Prisoner No.C/12120 Harish Raju Shergil, Age 24 years, given past history of sharp object injury on skull in 2014 also complaining of Pain in left upper limb and tingling numbness and unsteady gait to Medical Officer of Nashikroad Central Prison, Nashik.

Medical Officer of Nashikroad Central Prison, Nashik examined said prisoner and given treatment for the above complaining.

On dated 30.07.2019, said convict prisoner sent to Civil Hospital Nashik. Physician of Civil Hospital Nashik examined and advice for CT-Brain. Impression shown that in CT brain, Gliotic area-Right frontal and Parietal lobe with old fracture right frontal and parietal bone. (Report of CT-brain attached with Medical report).

On dated 05.12.2019 again sent said prisoner to Civil Hospital Nashik, Nashik. Physician of Civil Hospital Nashik refer said prisoner to Regional Referral Hospital, Nashik for Neurosurgeon opinion.

Medical officer of Nashikroad Central Prison, Nashik refer said prisoner to Regional Referral Hospital, Nashik but due to unavailability of police escort said prisoner not sent to Regional Referral Hospital, Nashik.

*Said prisoner sent to Regional Referral Hospital,
Nashik as soon as possible.”*

4. Mr. Yagnik, learned APP, on instructions, makes a statement that the applicant would be sent to Regional Referral Hospital, Nashik, as early as possible and in any case, within three days from the date of receipt of this order. He also made a statement that if necessary, medical treatment would be given to the applicant and, for that purpose, the applicant would be taken to Civil Hospital. The statements are accepted.

5. In the light of the above statements, we are not inclined to grant temporary bail to the applicant on medical ground as the applicant is getting treatment from Prison Hospital as well as other Government Hospitals. The criminal application is, accordingly, disposed of.

6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]