

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1052 OF 2021 IN
CRIMINAL APPEAL NO.333 OF 2018

Shoeb s/o Rajmohammed Shaikh ... **APPLICANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Shri R.M. Shaikh, Advocate for applicant
Shri K.N. Lokhande, A.P.P. for State

.....

CORAM : R. G. AVACHAT, J.
(VACATION COURT)

Date of reserving order : 28th May, 2021
Date of pronouncing order : 3rd June, 2021

ORDER :

Heard learned counsel for the applicant. Perused the relevant papers. This is an application for bail on medical grounds. The applicant has been convicted for the offence punishable under Section 326 of the Indian Penal Code and sentenced to suffer imprisonment for ten years. He is behind the bars for little over two years. His earlier application for bail and stay to the execution of the imprisonment has already been rejected. The matter pertains to Division Bench

since the co-accused has been convicted for the offence of murder.

2. The applicant claims to have suffered a severe paralytic attack. He is stated to be 21 years of age. A temporary bail on medical grounds is urged for. The Chief Medical Officer of Yerwada Central Prison has given the report about the applicant's medical status. It has been reported :-

“On 12/4/2021 this prisoner had complaint of sudden weakness on left side of body so he was referred to Sassoon General Hospital (SGH), Pune for expert opinion and further treatment. He was admitted in SGH Pune from 12/4/2021 to 20/4/2021. During this period his ECG, Chest X-ray, CT Brain, MRI Brain and 2D Echo investigations were done. ECG, Chest X-ray and 2D Echo were normal. His liver function tests, Haemogram and lipid profile were also normal but CT Brain and MRI Brain showed right sided brain pathology resulting in Left Side Hemiparesis i.e. early stage of Paralysis. He was given treatment by experts at SGH, Pune and discharged on 20/4/2021. Thereafter he was sent to SGH, Pune on 11/5/2021 for follow up. He was examined by Neurology expert and continued same treatment as on 20/4/2021.

At present, he is under treatment in prison hospital as advised by experts from SGH, Pune. Examination on 21/5/2021 he has complaints of weakness in left side of body and tingling in head. His vital parameters are stable on continuing treatment.

This prisoner will be referred to SGH, Pune
as and when required.”

3. In view of the aforesaid report, I am not inclined to grant the application for the present. The applicant is at liberty to move a fresh application for bail on medical grounds as and when case would arise. The application is rejected.

(R. G. AVACHAT)
JUDGE

fmp/-