

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

912 BAIL APPLICATION NO.665 OF 2021

VIRESH SHAMRAO GIRI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Z.H. Farooqui h/f. Gaware Niteen V.
APP for Respondents/State : Mr. S.D. Ghayal

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CORAM : M.G. SEWLIKAR, J.
DATE : 15th December, 2021

PC.:-

This is an application for releasing the applicant on interim bail on medical grounds.

2. Applicant was arrested on 09.08.2019 in connection with Crime No.528/19 registered with City Police Station, Tq. Sangamner, District Ahmednagar under Section 363, 364-A, 342, 120-B, 201 read with Section 34 of the I.P.C. and under Section 3/25 of the Arms Act.

3. Applicant has contended that son of the applicant aged six years is suffering from "Bilateral Profound Sensorineural Hearing Loss" and that the applicant himself is suffering from Acute Exacerbation. It is alleged in the application that son of the applicant is advised surgery for which applicant has to raise funds. It is further alleged that on account of illness of the applicant

i.e. shortness of breath, it has resulted in to worsening of Chronic Obstructive Pulmonary Disease (COPD). This treatment can be available only in higher center. Medical certificate has been issued by Medical Officer, Rural Hospital, Sangamner, District Ahmednagar in that regard. Applicant is, therefore, praying for releasing him on medical grounds and on the ground of surgery of son of the applicant.

4. This application is opposed by State on the ground that applicant can be treated in prison properly.

5. Heard Shri Farooqui learned counsel for the applicant. He submits that he has annexed certificate of Dr. Uppal's ENT Hospital & Sonic Hearing & Speech Centre. According to Shri Farooqui son of the applicant is suffering from "Bilateral Profound Sensorneural Hearing Loss". He submits that surgery has been advised by the ENT surgeon. He further submits that applicant himself is suffering from "K/C BA with H/O Acute exacerbation" and needs to be treated at higher center by an expert. He submits that this certificate is issued by Medical Officer, Rural Hospital, Sangamner. He, therefore, prays for releasing the applicant on interim bail.

6. Report of Rural Hospital, Sangamner was called in respect of health condition of the applicant. Medical Officer, Rural Hospital, Sangamner

certified that applicant is a known case of (Asthmatic) suffering from Acute Asthmatic attack needs higher center opinion and treatment.

7. So far as applicant is concerned, when this application for releasing him on medical ground is concerned, he was examined by Medical Officer, Rural Hospital, Sangamner. Thereafter, applicant has been shifted to Nashik Prison. Report from Nasik Prison was called regarding health condition of the applicant. Report dated 10.12.2021 given by the Chief Medical Officer, Nashik Road Central Prison states that the applicant is taking medicine for Bronchial Asthma with other symptomatic disorder from prison hospital. It does not say that applicant is suffering from Acute exacerbation and needs to be treated at higher center.

8. So far as son of the applicant is concerned, xerox copy of the medical certificate produced by the applicant shows that date of surgery was scheduled on 15.06.2021. Learned counsel for the applicant Shri Farooqui submits that he has no instructions as to whether surgery was performed on that day or not. Considering this, illness of the applicant does not appear to be the one which cannot be treated from the prison. In this view of the matter, I do not find any substance in the application. Application is, therefore, dismissed.