

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

6 CRIMINAL APPLICATION NO.1209 OF 2021
IN
CRIMINAL APPEAL NO.369 OF 2020

SAJEDKHAN S/O SAIFULLAKHAN
VERSUS
THE STATE OF MAHARASHTRA

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Mr S.J. Salunke, Advocate for applicant
Mr R.D. Sanap, A.P.P. for respondent-State

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 6th September 2021

PER COURT :

1. Heard.
2. This is an application filed by the applicant/accused for temporary bail. His application bearing Criminal Application No.1326 of 2020 came to be disposed of as withdrawn by order of this Court dated 7th August 2020.
3. The applicant/accused has filed this application for the reason that his son Hasan Khan Sajed Khan Pathan is suffering from kidney stone and as such, he requires the medical treatment immediately. The other members of the family are not taking enough care of his son and as such, he is required to be released on temporary bail in order to take care of his son.
4. On last occasion, we had requested the learned A.P.P. to take specific instructions in this regard. The A.P.I., Police Station, Shirsala has reported to the Public Prosecutor's office along with the report submitted by the Medical Officer, Primary Health Center, Shirsala.

5. The applicant/accused has produced the certificate issued by the Medical Officer, Primary Health Center, Shirsala, Taluka Parali, Exh.'B' at page 8. It has been mentioned in the said certificate that there is stone of 16 mm size in the kidney of Hasan Khan Sajed Khan Pathan, aged six years and since no facilities of further treatment are available at Primary Health Center at Shirsala, the said patient has been referred to S.R.T.R. Medical College and Hospital, Ambajogai.

6. We have carefully perused the report submitted by the Medical Officer, Primary Health Center, Shirsala dated 14th August 2021. It has been specifically stated in the said report that no such certificate has been issued from the Primary Health Center, Shirsala for the reason that there is no sonography center available at Primary Health Center at Shirsala. It has been stated in the report that the said boy had come to Primary Health Center at Shirsala with a complaint of pains in the abdomen and he has been simply referred to S.R.T.R. Medical College and Hospital without any diagnosis.

7. In view of the above, we find no substance in the application. The Criminal Application is hereby rejected.

(SHRIKANT D. KULKARNI, J.)

(V.K. JADHAV, J.)

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