

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

1 BAIL APPLICATION NO.976 OF 2021

Subhash S/o. Hausrao Dalvi
Age: 60 years, Occu.: present Nil,
R/o.Ajnuj, Tq.Shrigonda,
Dist.Ahmednagar.

..Applicant

VERSUS

The State of Maharashtra,
Through Police Inspector, Police Station
Shrigonda Police Station, Shrigonda,
Tq.Shrigonda, Dist.Ahmednagar.

..Respondent

...
Advocate for Applicant : Shri M.B. Sandanshiv
APP for Respondent : Shri V.M.Kagne
...

CORAM : M.G.SEWLIKAR, J.

DATE: 14th October, 2021

PER COURT:-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on temporary bail.
2. Heard Shri M.B.Sandanshiv, learned counsel for the applicant and Shri V.M.Kagne, learned APP for the respondent-State.
3. Shri Sandanshiv, learned counsel for the applicant submits that he had filed application for regular bail before this Court

which was withdrawn with liberty to file application before the trial Court for releasing the applicant on temporary bail on medical grounds.

4. Admittedly, the applicant is suffering from HIV. The applicant is accused of commission of offence under Sections 420, 409, 406 read with Section 34 of the Indian Penal Code.

5. Shri Sandanshiv, learned counsel submits that the applicant is critically ill. His age is 60 years. He is an HIV patient. He submits that applicant is seeking indulgence of this Court to release him on temporary bail for twelve weeks only. During that period, the applicant would get treatment from private hospital and would again surrender before the Jail Authority. He further submits that Ahmednagar District has been declared as Red Zone.

6. Shri V.M.Kagne, learned APP for the respondent states that the report of the Jail Authority shows that the applicant is a patient of HIV. He submits that the report of the Civil Surgeon, Ahmednagar shows that patient of HIV can be treated at Ahmednagar Civil Hospital. He further submits on instructions that Ahmednagar District has not been declared as Red Zone.

Admittedly, applicant is lodged in Shrigonda Jail.

7. Having regard to the fact that the applicant can be treated in the Civil Hospital at Ahmednagar, the application for interim bail cannot be entertained. Application is, therefore, rejected.

(M.G.SEWLIKAR)
JUDGE

SPT