

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1247 OF 2020
IN
CRIMINAL APPEAL NO.1551 OF 2018

Yogesh Pandurang Kupekar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Ms. Poonam Ankleshwaria for the Applicant.

Mr. Y.Y. Dabake, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 19TH MARCH, 2021.

P.C:-

1. The Applicant is seeking temporary bail on account of illness of his mother. On 22/02/2021, this court has noted that the prayer to suspend the impugned substantive sentence was already declined and liberty was granted to file private paper-book and get the appeal listed for final hearing. By the very same order, learned A.P.P. was directed to ascertain the health

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position of the mother of the Applicant, who was alleged to be suffering from terminal illness and, that was the precise reason, on which the bail was sought.

2. The Application was also accompanied with the medical record of Mrs. Suchita Kupekar, the mother of the Applicant, who was diagnosed with cancer, which has reached at its fourth stage being spread in the liver and lungs.

3. Today, learned A.P.P. has placed on record the report from the Police Inspector, Vartak Nagar Police Station, Thane, dated 11/03/2021. On a preliminary inquiry being carried out, learned A.P.P. states that the medical ailment of the mother of the Applicant is not in dispute and the current medical report dated 11/03/2021 from the Mumbai Oncocare Centre under the signature of Dr. Ashish Joshi, Oncologist & Haematologist is placed on record along with the said report. The said report is taken on record. The said report confirms the statement of the Applicant that the health of his mother is in a precarious condition.

4. About the aspect whether there is anybody in the family to take care of the mother, the preliminary inquiry revealed that the wife of the Applicant is taking care of her mother-in-law along with his sister sometimes visiting to assist her since she is residing in her matrimonial house. Considering the said situation and when the reason for seeking bail temporarily on account of illness of the

mother, is not denied by the public prosecutor and rather the version of the Applicant is corroborated by the medical papers produced on record, in my considered opinion, the Applicant is entitled to be released on temporary medical bail subject to the following stipulations.

:ORDER:

- (a) The Applicant – Yogesh Pandurang Kupekar shall be released on temporary bail for a period of eight weeks from the date of his actual release in C.R. No.310 of 2016 registered with Vartak Nagar Police Station, Thane on executing P.R. bond in the sum of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall during the period of his release cater to his mother by remaining within the jurisdiction of Panvel Police Station and, in no way, make any attempt to contact the prosecutrix

or any of the prosecution witnesses and will not enter into the jurisdiction of Thane Police Station.

(d) The Applicant shall mark his attendance once in three days in the Panvel Police Station, during the period of temporary bail.

(e) On expiry of the period of eight weeks, he shall surrender himself to the Central Prison, Nagpur.

5. The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J.