

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1327 OF 2021
IN
CRIMINAL BAIL APPLICATION NO.360 OF 2021**

Prashant Devrao Sankhe Applicant
Versus
The State of Maharashtra Respondent

Mr. S.V. Marwadi, Advocate i/b. S.G. Rajput, for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th MAY, 2021
[Through Video Conferencing]**

P.C. :

1. This is an interim application filed in main Criminal Bail Application No.360/2021 for his release on bail for a period of eight weeks in C.R. No.I-124/2019 registered with Palghar Police Station.

2. The main application on merit is still pending. Today, I am considering grant of bail for a temporary period because of the poor health condition of the present Applicant. The Applicant was granted temporary bail by this Court (Coram: N.R. Borkar, J.) vide order dated 30.12.2020 passed

in Criminal Bail Application No.1347/2020. Said order was to operate till 20.2.2021. Subsequently, vide order dated 18.2.2021, this Court (Coram: Prakash D. Naik, J.) by passing order in Criminal Bail Application No.782/2021 had extended that period till 20.3.2021 and had directed the Applicant to surrender before the jail authorities after that date. It appears from the record that the Applicant, after that date of 20.3.2021, has surrendered before the jail authorities.

3. The contention of the Applicant is that he is still suffering from the same ailment and had vomited blood. On this submission, I had called for the report of the Medical Officer from the same prison. Today a report dated 4.5.2021 is produced before me, which reads thus :

“ With reference to above hereby submitting report of said prisoner. Mr.Prashant Devram Sankhe is suffering from intermittent episodes of haemetemesis with c/o Severe abdominal pain. He is a K/C/O severe gastritis with h/o haemetemesis probably due to gastric ulcer.

Presently his health condition is as it is and he is under observation with medication. There is moderate tenderness all over abdomen. He will be send to Hospital as and where required.”

4. From this report it is clear that the Applicant is still suffering from the same ailment and his condition is exactly the same. Therefore, it is obvious that he needs further medical condition. The Applicant was earlier granted temporary bail and he has duly surrendered without violating any condition. The Applicant to that extent has established his bonafides and, therefore, I am inclined to allow this Application as well. Hence, the following order :

ORDER

- (i) Interim Application No.1327/2021 is allowed in terms of prayer clause (a).
- (ii) The Applicant is directed to be released on bail for a period of eight weeks from today in connection with C.R. No.I-124/2019 registered at Palghar Police Station on his furnishing a P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) Looking at the prevailing circumstances, it may not be possible to the Applicant to furnish sureties immediately.

Therefore, initially the Applicant is permitted to furnish cash bail for the same amount. The Applicant will have to furnish the sureties, as directed, within one month month from today.

- (iv) The Applicant shall attend the concerned police station once a week till he is on bail.
- (v) After the period of eight weeks is over, the Applicant shall surrender before the jail authorities.
- (vi) The Applicant shall not tamper with the evidence when he is on bail.
- (vii) Main Application i.e. Criminal Bail Application No.360/2021 shall be posted on board after the Applicant surrenders before the jail authorities. Learned Counsel for the Applicant is at liberty to get the matter circulated after the Applicant surrenders.
- (viii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)