

CRIMINAL BAIL APPLICATION NO.1866 OF 2021

Pintu @ Vijay @ Santosh @
Pandurang Ramchandra Sonawane
Versus
The State of Maharashtra

Ms. P. P. Shinde, A.P.P for the Respondent–State

MONDAY, 11th OCTOBER 2021

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. 157/2018 registered with the Ozhar Police
Station, Nashik, for the alleged offences punishable under Sections 363,
364 of the Indian Penal Code.

3 On 30th September 2021, learned counsel for the applicant had
submitted that apart from the merits, the applicant is HIV positive and has

a history of mental illness. In view of the same, this Court called for the report from the Medical Officer, Nashik Road Central Prison with respect to the medical condition of the applicant. On 8th October 2021, learned A.P.P had tendered a copy of the medical report of the applicant and the same was taken on record.

4 The medical report of the applicant shows that the applicant had swallowed a razor blade on 26th December 2018, under the influence of alcohol. On 5th January 2019, the ENT surgeon of Sir J.J. Hospital, Mumbai, had examined the applicant and written a note on his case papers, “ingestion of razor blade on dated 26.12.2018 at 4pm Nashik, after that throat pain start”. The applicant was given appropriate medicines for the same. The applicant was also seen by a Psychiatrist of Sir J.J. Hospital, who, after examining him, written on his case papers, “Complaining of hearing voice, irritability and decreased sleep since 1½ months, Known case of Psychiatric illness since 8-9 years, history of admission in Thane Mental hospital 8 Years back, also given history of Known case of Retroviral disease”. The applicant was prescribed psychiatric medicines for the same.

5 It appears that whilst in prison hospital, the applicant had complained of dysnea, headache, nausea, abdomen pain, chest pain with profused sweating, cough with fever and the Medical Officer of the prison hospital had given him treatment for his complaints but he had not got any relief, after which, he was referred to the Civil Hospital, Nashik, for appropriate treatment. It appears that again on 5th January 2021, the applicant complained of chest pain with profused sweating with tingling numbness on left hand, nausea, vomiting and body ache. The Medical Officer examined and advised ECG. The ECG report showed slight ST abnormality, pursuant to which, the applicant was admitted at the Nashik Road Central Prison Hospital and given treatment.

6 Again on 8th September 2021, the applicant was referred to the Civil Hospital at Nashik and was admitted in the said hospital for the same. It is stated in the report dated 7th October 2021 given by the Chief Medical Officer, Nashik Road Central Prison, that the applicant is taking medicines for psychiatric and other symptomatic disorder from prison hospital on OPD basis.

7 The allegation as against the applicant is that he had abducted a young boy under the garb of bringing water can and had taken him to a

lonely field and shown him a chopper and had threatened to kill him as his father had harassed him, however, the boy escaped from the said spot.

8 The applicant is in custody since 27th December 2018. Investigation is complete and charge-sheet is filed.

9 Since the applicant's father has expired and his mother is old, the applicant's uncle-Uttam Srawan Sonawane, aged 62 years has filed an affidavit-cum-undertaking, stating therein that he is aware of the medical condition of the applicant and that the applicant and he are residing together since birth. He has undertaken full responsibility of the applicant with respect to his mental condition. He has also undertaken to keep the applicant present whenever his presence is required before the trial Court. The said affidavit-cum-undertaking dated 10th October 2021 is taken on record.

10 Having regard to the medical condition of the applicant and the affidavit-cum-undertaking and the fact that the applicant is in custody for more than two and a half years, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 5,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

11 The application is accordingly disposed of in the aforesaid terms.

12 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

13 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.