

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1655 OF 2021
IN
CRIMINAL APPEAL NO. 1551 OF 2018

Yogesh Pandurang Kupekar	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Kuldeep Patil i/b Mr.Prashant Patil for the applicant.
Mr.S.R. Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 28th JUNE 2021

P.C:-

1 The applicant has taken out an application seeking to extend the life of the temporary bail granted to him on 19th March 2021 on an Interim Application no. 1247 of 2021 being moved.

2 By the order dated 19th March 2021, taking into account the illness of his mother Mrs.Suchita Kupekar who was diagnosed with cancer and it was informed that it has reached 4th stage and the medical papers from the Oncologist and Hematologist reflect her condition and the further course of action to be followed, accepting that the applicant was the only

member in the family who took care of his mother, he came to be released on temporary bail for a period of eight weeks. On expiry of the said period, the application for extension was preferred and on 19th May 2021, the extension was granted for another period of six weeks.

2 By the present application, extension of the temporary bail is again sought for a period of six months. The application is accompanied with necessary medical papers and a certificate is issued by the Mumbai Oncocare Centre dated 23rd June 2021 which advise Chemotherapy to be undertaken. No doubt, the ailment of the applicant's mother is serious and her condition is becoming precarious day by day as per the report.

3 However, the applicant is a convict, convicted under Section 376 and 354 of the IPC by a judgment dated 20th October 2018 by the Sessions Judge at Thane and he is undergoing his sentence in the prison. The indulgence was granted and the applicant came to be released on temporary bail for the first time by an order dated 19th March 2021 and till date of filing of this application, the applicant is outside the prison enjoying the benefits of the extended temporary bail. However, since the bail is temporary, it has to come to an end some day. The condition of his mother has not improved and she is undergoing treatment and during the period when he was

released on bail, he has catered to her and arranged for medical treatment. However, now he must surrender and the period of temporary bail must come to an end.

4 Learned counsel Mr.Patil makes a categorical statement on the basis of the instructions which he has received that the applicant shall surrender on or before 10th July 2021. This period would enable him to arrange for the period for the further course of medical action and the Chemotherapy which his mother is required to undergo.

5 In such circumstances, the present application is disposed and the statement made by the learned counsel that the applicant will surrender on or before 10th July 2021 is accepted. If he does not surrender, the authorities are directed to take him into custody forthwith.

Needless to state that in case of any further serious medical emergency, the applicant is at liberty to approach the Court and it is for the Court to take into consideration the situation prevailing at that time and consider the application.

SMT. BHARATI DANGRE, J