

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2519 OF 2021

Sukharaj Pandurang Ghadge .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Satyavrat Joshi i/b Sunil S. Kamble for the applicant.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 29th JULY 2021

P.C:-

1 The applicant is an accused in MCOCA case. He was released on temporary bail on the ground of performance of last rituals of his mother. The period of temporary bail expired on 30th June 2021. Thereafter, he was tested positive and he moved for extension of temporary bail. The Special Court, MCOCA granted him extension till 6th July 2021 by imposing a condition that he shall submit his RTPCR report along with certificate of a civil surgeon. The period was further extended by order dated 6th July 2021 till 19th July 2021. From 19th July 2021, the applicant has not surrendered and instead, has moved the present application on 27th July 2021 seeking his release on temporary bail for a period of 30 days.

Tilak

2 Perused the certificate at page 40 of the application. The said certificate is issued by the Medical Officer, Bhogaon which report that the applicant is tested Covid Positive on 30th June 2021. Today, we are on 29th July 2021 and Mr.Joshi has tendered on record a certificate issued by the Medical Officer, PHC Kundad, dated 26th July 2021 where the Doctor certify that the applicant was under his treatment from 27th July 2021 to 5th August 2021 for 10 days. The certificate is strange for two reasons. If the patient was Covid positive, how was and when he was he examined by the said Doctor and secondly date of treatment extend to a future date being 5th August 2021. The said certificate cannot be accepted since it do not state that the applicant continue to be Covid Positive till date. Application for extension is merely a pretence to prolong his surrender and in support, irrelevant certificates are produced. The said approach is highly deprecated.

3 The applicant do not warrant any compassion and the application do not deserve any consideration. It is rejected.

4 The applicant is directed to surrender to the Superintendent of Kalamba prison on or before 5.00 p.m on 30th July 2021. On failure to do so, the Jail Authority is free to apprehend him.

SMT. BHARATI DANGRE, J