

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1384 OF 2020
WITH
INTERIM APPLICATION NO. 1387 OF 2020
IN
CRIMINAL APPEAL NO. 184 OF 2012**

Ranjeet Shahaji Gade. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Mr. Priyal G. Sarda, advocate for applicant.

Ms. P.P. Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV &
N.R. BORKAR, JJ.**

DATE : FEBRUARY 4, 2021.

PC.

1 The applicant has filed the application seeking temporary bail for a period of 6 months on the ground that his mother is suffering from Breast Cancer and is suffering from diabetes. Alongwith application, the applicant has placed on record medical certificate issued by Medical Officer, General Hospital, Osmanabad dated 27/10/2020. Since this Court doubted the genuineness of the certificate, this Court, by an order dated 19/1/2021, had directed learned APP to inquire into the matter. A report was received by the Civil Surgeon, Civil Hospital, Osmanabad, wherein he had opined that

the certificate annexed to the petition dated 27/10/2020 has not been issued from the office of Civil Hospital, Osmanabad. It was also stated that there is no record to even remotely indicate that the said patient namely, Kanchanbai Gade was examined by any doctor in the Civil Hospital.

2 It is averred in the application that the applicant happens to be the only son of his ailing mother and therefore, there is nobody to look after her in times of emergencies. Upon inquiry by the police, it has transpired that the applicant has a brother namely Ajit Shahaji Gade aged about 40 years and he is residing alongwith his mother. There are relatives, who are residing next to her house.

3 The police has recorded the statement of Kanchanbai Gade, mother of the applicant and she has stated that she does not have papers to show that she had taken treatment from the Civil Hospital, Osmanabad one year ago. She had obtained the present certificate only in order to get her son released from jail for a temporary period. She has feigned ignorance about the person who had obtained the said certificate for her. She has candidly stated

before the police that she is not suffering from malignancy of breast. Similarly, police has recorded statement of the brother of the applicant. He has also feigned ignorance about the person, who had helped his mother to obtain the said certificate. It is clear that the said certificate has been fabricated.

4 The Civil Surgeon, Osmanabad shall inquire into the matter and submit a report to this Court on or before 26/2/2021.

5 It is appears that the stamp of the medical officer, General Hospital, Osmanabad as well as the stamp of Civil Surgeon, Osmanabad have been misused by the person who had fabricated the said certificate. It is a serious matter and therefore, if need be, the Civil Surgeon, Osmanabad is also directed to lodge a report at the police station against the miscreants, who have misused/forged the stamps of the hospital. A clear attempt has been made to mislead this Court.

6 The Interim Application No. 1384 of 2020 is rejected with cost of Rs. 5,000/-, to be deposited in this Court within 3 weeks.

7 The Civil Surgeon, Osmanabad shall file a report to this Court on or before 26/2/2021.

8 The Registrar (Judicial-I) of this Court shall circulate the rules for filing an application for temporary bail on medical ground and insist upon filing of the affidavit alongwith application.

(N.R. BORKAR, J)

(SMT. SADHANA S. JADHAV, J)