

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 148 of 2021

(Arun S/o Laxmanrao Phaltankar ..vs.. State of Maharashtra through P.S.O., P.S., Sakkardara, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 3-12-2021

The applicant is seeking bail in connection with Crime 396/2019 registered with Sakkardara Police Station, Nagpur for offences punishable under Sections 409, 467, 468, 471, 120-B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. The applicant is on bail which was granted to him by this Court vide order dated 13-2-2020 in Criminal Application (BA) 57/2020 (Coram : Shri V. M. Deshpande,J.).

3. The applicant is aged 78 years and it appears to be common ground that he requires medical assistance and aid in performing day to day activities.

4. This Court vide order dated 30-9-2021 requested the Dean, Government Medical College, Nagpur to constitute a three member board to examine the applicant and submit a report. The report is received and is perused by the learned counsel Mr. Daga and learned Additional Public Prosecutor Mrs. Deshpande.

5. The submission of Mr. Daga is that the applicant is entitled to bail since confining him to prison at his age and with the multiple medical ailments would be in negation of the right to dignified living which according to Mr. Daga also enures for the benefit of under-trial.

6. In all fairness, the learned Additional Public Prosecutor Mrs. Deshpande does not join issues with Mr. Daga's submission that the medical report reveals

that the applicant requires continuous medical attention.

7. In this view of the matter, I am inclined to confirm the temporary bail since expeditious trial, in any event, appears to be a distinct possibility. Temporary bail granted is confirmed.

8. The application is disposed of.

JUDGE

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