

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

CRIMINAL APPLICATION [BA] NO. 472/2021.

Pradeep Paramsukhdas Rathi.

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for the Applicant.
Shri A.S. Ashirgade, A.P.P. for the Non-applicant.
Shri A.C. Dharmadhikari, Advocate for complainant/
assisting prosecution.

CORAM : VINAY JOSHI, J.

DATE : JUNE 18, 2021.

Hearing was conducted through Video Conferencing.

2. The applicant has applied for regular bail in connection with Crime No.46/2021 registered with Khamgaon City Police Station, District Buldhana for offence punishable under Section 255, 260, 420, 423, 465, 468, 471, 472, 465 of the Indian Penal Code and Section 66(d) of the Information Technology Act. The learned Counsel for the applicant has urged for temporary bail on medical ground by contending that

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during the pendency of this bail application, charge sheet has been filed. It is his further submission that the applicant is 63 years of age and is suffering from Kidney Stone, which requires to be operated urgently.

3. The learned A.P.P. has strongly objected for release of applicant on temporary bail. He has obtained opinion from Civil Surgeon, District Hospital, Buldhana explaining that there is no urgency and the operation can be done by fixing a date. The Civil Surgeon has informed that at Government Hospital at Amravati, Nagpur, Mumbai, Akola and Pune the said facility is available. The learned A.P.P. also made a statement that State is ready to get the applicant operated at one of these places as per the medical advise. He has also brought to the notice that total 4 offences of similar nature are registered against the applicant and even grant of temporary bail in this case would not suffice the purpose.

4. I have gone through the report of the Civil Surgeon, who has answered the specific queries. On the point of urgency, he has opined that as per experts opinion from Urological Department of Amravti Hospital, there is no emergency as such and the

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applicant can be operated effectively by fixing a date. Further he has informed that such operation can be performed at Government Hospital at Amravati, Nagpur, Mumbai, Akola and Pune.

5. The learned A.P.P. has submitted that the State is ready to get the applicant operated at government cost, if advised by the Government Medical Officer, and would take every precaution to see the safety and well being of the applicant.

6. In the above circumstances, I do not find any reason to grant temporary bail to the applicant.

7. By the time as charge sheet has been filed, the applicant can approach the trial Court for seeking regular bail. It is also open to the applicant to apply for temporary bail on medical ground before the trial Court, if there occurs any emergent situation or advised so by the medical expert. In view of above, Criminal Application is rejected. In the meantime State is directed to provide necessary medical aid to the applicant which they deem necessary. However, liberty is granted to the applicant to approach the trial Court and all contentions raised in this application are kept open.

JUDGE

Rgd.