

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1715 OF 2022
IN
CRIMINAL APPLICATION NO. 598 OF 2022
IN
CRIMINAL APPEAL NO. 107 OF 2021**

Sahebrao Pralhad Ingole .. Applicant

Versus

The State of Maharashtra .. Respondent

Shri Sudarshan J. Salunke, Advocate for the Applicant.
Shri S. D. Ghayal, A.P.P. for Respondent/State.

**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATE : 14TH JUNE, 2022.**

PER COURT :

. Vide order dated 14th March, 2022 passed in Criminal Application No. 598 of 2022 in Criminal Appeal No. 107 of 2021, the applicant was directed to be enlarged on bail. This order was passed on medical grounds. This Court had not gone on merits of the matter.

2. The learned counsel for the applicant as well as the learned Assistant Public Prosecutor for the State submit that the application was filed for temporary bail, the operative part of the order itself does not indicate the period for which the order was passed. The operative order further indicates that the applicant

was directed to furnish the medical report verified by the Civil Surgeon Osmanabad for the next six months for every four weeks. That report was to be further submitted to the Registrar (Judicial) of this Bench.

3. Learned counsel for the applicant stated that, the applicant is facing difficulty because the Civil Surgeon is not ready to act on the report of a private doctor and the Registrar (Judicial) of this Bench is not accepting Civil Surgeon's report without accompanying report of the private doctor. Based on this practical difficulty, learned counsel submitted that the application is preferred by the applicant for modification of the order dated 14th March, 2022.

4. We have considered the submissions of learned counsel for the applicant and the learned A. P. P. for the State. We find that there is substance in the submissions made by learned counsel for the applicant. The applicant is indeed facing practical difficulty in complying with the order because of contrary stand taken by the Civil Surgeon, Osmanabad and the Registrar (Judicial) of this Bench. Therefore to obviate this difficulty, we are inclined to modify the order dated 14th March, 2022.

5. It is not in dispute that, Civil Surgeon had opined in April itself that the applicant is suffering from a serious ailment i. e. bells palsy with CVA with Right Hemiparesis with Right facial palsy with Tinea Cruris and Corporis. Therefore, considering

this background, it is not justifiable to direct the applicant to produce his medical report every month. Suffice it to say that if the operative part is clarified and period for temporary bail is restricted to a particular period, this difficulty will not arise. In that view of the matter, the order dated 14th March, 2022 shall operate till 30th September, 2022. After that day the applicant will have to surrender before the jail authorities. It is made clear that, the applicant would be at liberty to renew his prayer for temporary bail on medical ground depending upon his medical difficulty after 30th September, 2022.

6. It would not be necessary for the applicant to produce his medical report till end of 30th September, 2022. With these observations the criminal application is disposed of.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

bsb/June 22