

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL WRIT PETITION NO.729 OF 2022

SHAIKH ABDULLAHA SHAIKH ASHFAK
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Petitioner : Mr. Dharurkar Chaitanya V.
APP for the respondent – State : Mr. S.P. Tiwari

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 21 OCTOBER 2022

PC :

The petitioner is an undertrial prisoner. A communication addressed to the Registry has been registered as a criminal writ petition. He has been provided legal aid and Mr. Dharurkar, advocate is appointed to represent him.

2. We have heard advocate Mr. Dharurkar.

3. The petitioner is making following prayer :-

“(C) By issuing a writ of Mandamus or any other writ of like nature, the R.2 may kindly be directed to take necessary steps to ensure proper medical treatment for the ailment of toothache experienced by the Petitioner and for that purpose, the Hon’ble Court may kindly direct release of the Petitioner for a period of fifteen days.”

4. Admittedly, he had applied for bail on medical grounds. The learned Single Judge of this Court by the order dated 18-01-2022 in Bail Application no. 1424 of 021 has already rejected his application for release on bail on medical grounds, however, it was further directed that he should be provided medical aid in respect of the ailment from which he was suffering from.

5. In view of such scenario, afore-mentioned prayer for grant of temporary bail for 15 days, in our considered view is not tenable.

6. We dispose of the Petition granting liberty to the petitioner to apply to the Sessions Court where his trial is going on to seek appropriate relief.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/