

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

**CRIMINAL APPLICATION NO.3268 OF 2022
IN
CRIMINAL APPLICATION NO.1715 OF 2022
IN
CRIMINAL APPLICATION NO.598 OF 2022
IN
CRIMINAL APPEAL NO.107 OF 2021**

Sahebrao S/o Pralhad Ingole,
Age-55 years, Occu:Agril.,
R/o-Pimp algaon(Dola),
Tq-Kallam, Dist-Osmanabad

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Sudarshan J. Salunke Advocate for Applicant.
Mr.A.M. Phule, A.P.P. for Respondent - State.
...

**CORAM: SMT. VIBHA KANKANWADI AND
RAJESH S. PATIL, JJ.**

DATE : 30th SEPTEMBER, 2022

ORDER :

1. Present Application has been filed by the applicant for extension of time to surrender. It appears that this Court by order dated 14th March 2022 passed in Criminal Application

No.598 of 2022, had allowed the suspension of substantive sentence on medical grounds and applicant was directed to be enlarged on bail by furnishing surety. Thereafter, on 14th June 2022, it appears that the said order was modified in Criminal Application No.1715 of 2022. It was pointed out that the operative order that was passed on 14th March 2022 was not indicating the period for which the order was passed though the application was for temporary bail. It was then clarified by this Court on 14th June 2022 that the said order which was passed on 14th March 2022 would operate till 30th September 2022 and after that date the applicant should surrender himself before the jail authorities.

2. Learned Advocate appearing for the applicant submits that the applicant is suffering from right upper and lower extremity paresis and extra pyramidal movements of right upper extremity and twitching of right side of face. Medical treatment for illness of the applicant is not available in the jail and was so pointed out and therefore he was released on bail and he is taking treatment from Jadhavar Hospital, Kallam, District-Osmanabad. The certificate that has been given, shows that the applicant has taken treatment from the said hospital from 21st April 2022 to

15th September 2022. The applicant requires further treatment also and therefore the time that has been given for the applicant to surrender himself before the jail authorities deserves to be extended. Though the certificate shows that the treatment that is required is life long, the applicant is praying for extension of the period of three months only. The applicant is ready to give undertaking that he will not seek further extension on the similar ground.

3. Learned APP strongly opposed the Application and submits that sufficient time has already been given to the applicant to have treatment.

4. It can be seen that when Criminal Application No.598 of 2022 was filed before this Court and was taken on 14th March 2022, it was pointed out that it was the subsequent application seeking suspension of substantive sentence on the medical grounds and accordingly it was allowed. However, the period for which the bail has been granted appears to have not been clarified and therefore, it was clarified under the orders passed on 14th June 2022. It appears that the applicant has taken treatment. The certificate which has been produced now, dated

15th September 2022, though states that the treatment required is life long, but it has not been stated by the treating doctor that the applicant is unable to move. Taking into consideration the wordings those have been used, what could be gathered is, it is mainly the upper extremity that has been affected.

5. Now, in view of the prayer which is for the extension of time to surrender by three months, one more opportunity can be given to the applicant to complete his treatment or have a permanent line of medical treatment for him.

6. Hence the Application stands allowed. The time to surrender before the jail authorities to the applicant that was granted by this Court on 14th June 2022, is extended for a period of three months from today. However, it will not be extended thereafter.

[RAJESH S. PATIL]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE