

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL APPLICATION BAIL NO. 14 OF 2022.

PRAVIN BORATE, PRESENTLY IN
COLVALE JAIL, THR. SHYAM
SHANTARAM KORGONKAR ...Applicant.
VS

STATE OF GOA, THR. ANJUNA POLICE
INSPECTOR, ANJUNA POLICE
STATION AND ANR ...Respondents.

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate for the applicant.

Mr. S. G. Bhobe, Public Prosecutor for the respondents.

CORAM: SANDEEP K. SHINDE, J.

DATE: 14th July, 2022.

P.C.:

1. Heard Mr. A. Agni, learned Senior Counsel for the applicant and Mr. S. G. Bhobe, learned Public Prosecutor for the State.

2. This is an application under Section 439 of the Cr.P.C., for bail.

3. The applicant is accused in connection with FIR No. 149 of 2021 for the offences punishable under Section 370(a) of the Indian Penal Code and Section 2,3, 4, and 5 of the Immoral Traffic Prevention Act, 1966. He was arrested on 7.11.2021. The investigation was over and a chargesheet has been filed on 4.1.2022.

4. This Court vide order dated 20.1.2022 declined to release the applicant on bail.

5. This application is moved seeking bail, not just on medical grounds but on merits too. However, the application was not pressed on merits.

6. The applicant's case is that he met with an accident in the year 2016 and suffered a fracture and his right leg had to be fitted with a rod. The applicant complained of suffering from leg pain and his operated leg is in swollen condition. The applicant claims that as per Doctor's advice his leg has to be re-operated for the purpose of performing further procedure of removal of the implant on the same, which he is unable to do on account of the fact that he is presently in Central Jail, Colvale. It is his further case that though he was taken to Government Medical College for treatment complaining of severe pain, his condition is being ignored and the only option is to undergo an operation for removing the implant. On these grounds, the applicant seeks a temporary bail for three months.

7. The assertions of the applicant have not been denied or disputed by the State.

8. It appears that though the Government Medical College has the facility and is equipped to perform the procedure for removing the implant, yet having regard to the kind of complaint, the applicant may have to wait for a considerable period to get the procedure done.

9. In these circumstances, it would be appropriate to grant bail to the applicant for a limited period of three months.

10. The applicant has filed an affidavit sworn on 8.7.2022 to state that he will be admitted to the hospital DMF, Desai Nagar, Sanquelim, Goa to undergo the necessary procedure for removing the implant and may have to undergo physiotherapy thereafter for a period of 2 months. The affidavit is verified by the State.

11. In consideration of the facts of the case, the applicant is granted temporary bail only for three months i.e. 90 days from the date of his release. It is made clear that no further extension shall be granted, under any circumstances.

12. Thus the following:-

ORDER

- i. The applicant is directed to be released on bail in crime no.149/2021 registered with Anjuna Police Station on

executing a Personal Recognition bond in the sum of Rs.50,000/- with one or two sureties in the like amount before the trial Court.

- ii. The applicant shall surrender to the Superintendent of Central Jail on 90th day from the date of his release on bail.
- iii. The applicant shall file an affidavit before this Court within seven days from his release from jail, to state that he shall surrender to the Superintendent of Central Jail on the 90th day, from the date of his release from jail and shall not seek further extension under any circumstances.
- iv. Application is allowed and stands disposed of in the aforesaid terms.

SANDEEP K. SHINDE,J.