

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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INTERIM APPLICATION NO. 1782 OF 2021
IN
CRIMINAL APPEAL NO. 510 OF 2019

Abdulla Gulam Ambia Naje ... Applicant

Versus

The State of Maharashtra ... Respondent

Ms.Nazneen Adil for the Applicant.

Mr. V.B. Konde-Deshmukh, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 12th July, 2022

P. C. :

1. Heard learned Counsel for the parties.
2. By this application sent through jail, the applicant seeks temporary bail for 45 days to attend to his son-Tarique, who is to be operated for his left leg.
3. Learned Counsel for the applicant vehemently submits that the applicant's son, aged 22 years, is unable to undergo the surgery as there no senior male member in the family. She further submits that

even the applicant's wife has expired and that there is no senior member in the family to look after the applicant's son, post the surgery. She submits that even the applicant's daughters are aged 18 and below 18 and as such having regard to their age, they would not be in a position to look after their elder brother i.e. the applicant's son. Learned Counsel relied on the medical certificate annexed to the application.

4. Learned APP opposes the application. Learned APP has tendered a report dated 5th July, 2022 of the Sr. Police Inspector, Sir J.J. Marg Police Station, Mumbai. The said report is taken on record.

5. Perused the papers. It appears that the applicant's son is suffering from pain and swelling in left knee region and is required to undergo surgery of arthroscopy left knee with ACL repair. The said medical certificate is annexed to the application, at 'Exhibit A'.

6. The ground on which the temporary bail is sought by the applicant is that, there is no senior male member in the family to

look after his son, who is advised to undergo surgery.

7. The police report tendered by the learned APP shows that the applicant's son is undergoing treatment for his leg. The applicant's son was advised to undergo surgery in 2020, however, till date he has not undergone the said surgery. The said report further shows that the applicant's son is able to walk, however, some times, it is possible that he may experience pain whilst walking. The Doctor has disclosed that the applicant's son comes for a check up with his cousin brother and uncle.

8. Having regard to the aforesaid and in particular, the nature of allegations as against the applicant i.e. under the POCSO Act, we are not inclined to grant temporary bail to the applicant.

9. Accordingly, the application is rejected.

V. G. BISHT, J.

REVATI MOHITE DERE, J.