

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1889 OF 2022
IN
CRIMINAL APPEAL NO. 523 OF 2018

Mahesh Purushottam Makhi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kuldeep Patil for the Applicant.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
DATE : 4th AUGUST, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks temporary bail for three months on medical ground.

3. Perused the papers. The applicant is suffering for a life sentence for the offence punishable under Section 302 of the Indian Penal Code. His application seeking suspension of his sentence was rejected on merits, by this Court. Presently, the applicant is kept in Yerwada Jail Hospital having regard to his medical condition. It appears that the applicant had met with an accident, whilst on COVID bail, on 21st October, 2021 and had injured his back severely. The applicant was admitted to Naik Hospital, Pune, on 26th October, 2021 as he was unable to walk after the accident. The applicant was advised to take x-ray and the x-ray revealed that the applicant was suffering from D12 Wedge Compression Fracture along with Degerative Changes in Lumbar Spine. For the same, the applicant was advised to take physio-therapy sessions and various medications alongwith the usage of Ash Brace for external and back support. Learned Counsel for the applicant relied on Exhibit-B of the application i.e. medical report dated 26th October, 2021 from the Naik Hospital, Pune.

4. It appears that the applicant was under medication and was unable to sit and walk without any external support. As the applicant was in severe pain, he approached the doctors of the Sassoon Hospital, Pune on 8th November, 2021 for better treatment and he was diagnosed with Compression Fracture and Anterior Wedging of L1 Vertebral body with Retropulsion of its Posterior-superior Cortex mildly compressing the Thecal Sac and Traversing Nerve Roots at the said level.

5. It further appears that on 14th May, 2022, the applicant lost his strength and sensation of his right leg and hence, he was admitted at the Deenanath Mangeshkar Hospital and Research Centre, Pune, for his medical treatment as his medical condition was critical. At the said hospital, he was advised to undergo immediate surgery for the said problem i.e. for D12 Vertebral Compression Fracture with Spinal Cord Compression with Neurological Deficit.

6. As soon as the covid bail of the applicant expired, he

surrendered before the Superintendent, Yerwada Central Prison and he is presently in the Yerwada Jail Hospital, Pune.

7. Learned APP has filed a report of the Superintendent of Yerwada Central Prison, Pune dated 1st August, 2022 alongwith the medical report of the applicant. From the said report, it appears that there is compression of L1 Vertebrae with Cord Compression. It is advised that the patient needs surgical stabilisation of spine and that the patient is having weakness in both lower limbs. Learned APP does not dispute that the applicant requires surgical intervention and that his condition is not too good.

8. Learned Counsel for the applicant submits that as soon as the applicant released on temporary bail, he will approach the Deenanath Mangeshkar Hospital, Pune and would undergo surgical intervention for his problem and accordingly, will submit his medical report on the next date.

9. Considering the aforesaid, and the medical reports, we allow the application and release the applicant on temporary bail for a period of three months, from the date of his release, on the following terms and conditions;

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of three weeks;
- (ii) The applicant shall within the said period of three weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (iii) The applicant shall surrender before the jail authority after completion of temporary bail period.

10. The application stands disposed of in the aforesaid terms.

11. The matter is kept on 15th September, 2022, for submitting the medical report of the applicant.

12. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.