

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2701 OF 2022

Amol Jaywant Pawar

Applicant

versus

The State of Maharashtra

Respondent

Mr.Manoj Mohite, Senior Advocate, i/by Mr.Anand S. Patil, Advocate
for applicant.

Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th October 2022

PC :

1. This is an application for bail on medical ground for a temporary period of three months.

2. The applicant had was arrested in connection with C.R No.31 of 2016 registered with Ajara Police Station for offences under Sections 302, 120-B, 201, 34 of Indian Penal Code..

3. The applicant preferred application for bail for temporary period on medical grounds viz Bail Application No.1412 of 2019, which was allowed vide order dated 8th January 2020 and for a period of three months the applicant was granted bail. Thereafter Interim Application No.1 of 2020 was preferred for extension of temporary bail, which was allowed vide order dated 20th April 2020 and temporary bail was extended up to 9th June 2020. Subsequently temporary bail was further extended up to 26th August 2020 vide order dated 17th July 2020.

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4. Although period of temporary bail granted to the applicant had expired on 26th August 2020, the applicant never surrendered to custody. Application for extension of bail on medical ground was preferred vide Bail Application No.1656 of 2020. Said application was heard on medical grounds as well as merits and vide order dated 21st September 2020 the application was rejected. The said order was challenged before Supreme Court by preferring Special Leave to Appeal (Cri.) No.4889 of 2020, which has been dismissed vide order dated 26th October 2020. The said order indicate that while rejecting the petition the Court perused the order and did not find that it is necessary to entertain the petition under Article 136 of Constitution of India.

5. It is pertinent to note that although temporary bail granted by this Court had expired two years ago, there was no extension of the said bail nor applicant had surrendered to custody.

6. The applicant has now contended that applicant be released temporarily on medical ground for three months. He is undergoing medical treatment. The applicant is required to undergo cervical spine surgery. Reliance is placed on certificates issued by Survodaya Superspeciality Hospital. It is submitted that on the ground of medical emergency the applicant be released on bail. During the period of two years after the temporary bail had expired, the applicant was undergoing treatment and that there was pandemic of Covid. Medical case papers are annexed to application.

8. Learned APP strongly opposed the application. It is submitted that temporary bail granted by this Court expired long ago. The

applicant does not deserve to be released on temporary bail on medical ground.

9. The submissions of learned APP deserves to be accepted. Although temporary bail had expired two years ago, the applicant did not surrender. It is also pertinent to note that after temporary bail was granted by this Court, the prayer for further extension of bail was rejected. The said order was challenged before Supreme Court. The Hon'ble Supreme Court did not interfere in the said order. The applicant has now moved this application on similar ground. No case is made out for entertaining this application. The application is rejected. The applicant shall surrender to custody. The jail authorities shall provide medical treatment to applicant.

(PRAKASH D. NAIK, J.)

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