

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3617 OF 2022
ALONG WITH
INTERIM APPLICATION NO.3232 OF 2022
IN
APPEAL NO.601 OF 2014**

Mohd. Azam Aslam Butt] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

...

Mr. Mahesh Vaswani with Ms. Dharini Nagda i/b Mr. Shreya Tiwari for the applicant.

Ms. A.A. Takalkar, A.P.P. for the State.

Mr. R.P. Khobragade with Ms. Gayatri Nayak for respondent No.3.

Ms. Nandini Bansode, API attached to Oshiwara Police Station is present in the Court.

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**CORAM : N.R. BORKAR &
KAMAL KHATA, JJ.**

**DATED : 04TH NOVEMBER, 2022.
[VACATION COURT]**

P.C.:-

1. The applicant is convicted for offences punishable under Sections 302, 364 and 201 of the IPC and Section 25(1-B)(a) read with Section 3 of the Arms Act and sentenced to suffer life imprisonment. His appeal filed against the said order of conviction is admitted by this Court on 06/08/2014. The present interim application bearing Interim Application No.3617 of 2022 is for interim bail.

2. Learned counsel for the applicant submits that the regular bail application of the applicant is pending before the Court. He submits that the present application for interim bail for one week is made on the ground of surgery that has to be conducted on his wife, who is unwell since 14/09/2022. Learned counsel for the applicant submits that there is no one to take care of his wife other than his minor son.

3. Learned A.P.P. tenders a copy of the statement dated 02/11/2022 of Dr. Sandip P. Bhurke, which shows that the surgery to be performed, is a minor surgery and the patient would be released in two days' time. She also states that the applicant had indulged in some criminal activities, when he was released on bail on a previous occasion.

4. In view of the statement of the doctor tendered by learned

A.P.P., we find no merit in the application for interim bail. The application is thus, rejected. However, the applicant will be at liberty to apply for interim bail, if the occasion so arises on account of post surgery complications.

5. It is clarified that the applicant is not pressing the interim bail application on his own illness as mentioned in prayer clause (b) of the application.

6. Parties to act on the authenticated copy of this order.

[KAMAL KHATA, J.]

[N.R. BORKAR, J.]