

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.205 OF 2023
IN APEAL/687/2022**

**ANWAR DASTGIR SAYYAD
VERSUS
THE STATE OF MAHARASHTRA**

.....
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent – State : Mr. R. V. Dasalkar
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 1st FEBRUARY 2023

PER COURT :

1. Present application has been filed for releasing the applicant on bail for six months on medical ground of his mother.
2. Heard Mr. Satej Jadhav, learned advocate for applicant and Mr. R. V. Dasalkar, learned APP for respondent – State.
3. We have perused the documents regarding cancer treatment of mother of the applicant. It has been stated that, she is taking treatment at Sassoon General Hospital, Pune and even Sassoon Hospital Authorities have endorsed that she is taking treatment as OPD patient for Cervix cancer. It has been stated by the applicant that mother of applicant has been advised further 16 chemo out of which 2 or 3 she has already undergone. The documents on

record would also show that mother of the applicant, who is presently aged 70 years, has been diagnosed with IVth stage cancer.

4. Learned advocate for the applicant also submits that applicants' brother is also convicted and he is behind bars. He was granted parole and therefore he could meet his mother. Now, the applicant wants to meet his mother and her health condition is serious.

5. Taking into consideration the documents on record, we are of the opinion that temporary bail should be granted to the applicant. The offence was allegedly committed at Latur, but the treatment of mother of the applicant is at Pune. The applicant has filed pursis giving address of his sister, who resides at Pune. Therefore by imposing conditions, bail can be granted for three months. It will not be out of place to mention here that up-till now the applicant has not filed application under section 389 of the Code of Criminal Procedure for suspension of sentence and for enlarging him on bail till final disposal of the appeal. The wordings of the application are not happy, but it appears that applicant wants in this application a temporary bail. Hence, the following order :-

ORDER

- (i) The application stands partly allowed.

- (ii) Applicant - Anwar Dastgir Sayyad be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each till 01.05.2023.
- (iii) The applicant shall not enter the jurisdiction of Latur district during the above said period and ordinarily should stay at the address given in the pursis of which a copy should be given by him to the trial court and Vivekanand Chowk Police Station, Latur.
- (iv) He should give attendance to Kondhwa Police Station after every 15 days and should maintain a diary. P.I. Kondhwa Police Station/ the Police Station Incharge to certify the attendance of the applicant. Applicant should also give his mobile number to Kondhwa Police Station and the Police Station Officer may surprisingly check the whereabouts of the accused.
- (v) A detailed report be given by P.I. Kondhwa Police Station to this court on or before 4th May 2023 regarding behaviour of the applicant.
- (vi) With these conditions, the application is partly allowed.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)