

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

BAIL APPLICATION NO.1068 OF 2023

**SAYYED NASER S/O SAYYED NOOR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Saeed S. Shaikh
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2023

PER COURT:-

1. Simultaneous prayer for temporary or regular bail has been made. The regular bail application of the applicant was rejected long back. Before approaching to this Court, the applicant did not sought the bail on merit before the Sessions Court. However, before the Sessions Court temporary bail was claimed for a period of three months to undergo the medical treatment. These facts were brought to the notice of counsel for the applicant.

2. The order of the learned Special Judge (MCOCA) Beed reveals that he ordered the jail authorities to refer the applicant to J.J. Hospital, if it is advised by the Civil Hospital, Nashik. Learned counsel for the applicant has no instructions whether the applicant was sent to J.J. Hospital for treatment or not. Now, the learned counsel for the applicant states that the counsel appearing before the

Sessions Court has wrongly stated that the applicant was suffering from heart disease. However, he has instructions that he is suffering from hernia. Now he states that he has also no exact information about his health. Unless the applicant instructs the counsel appropriately, it would be difficult to entertain the application.

3. After hearing the learned counsel for the applicant, it raises serious doubt whether the applicant/accused is really suffering from any such disease that needs indoor treatment. Therefore, the application stands dismissed with a liberty to file a fresh bail application after having complete information about the disease the applicant has.

(S.G. MEHARE, J.)