

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

**CRIMINAL APPLICATION NO.4149 OF 2022
IN APEAL/425/2018**

**DHANANJAY @ DHANYA YOGIRAJ RASAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicant : Mr. Z. H. Farooqui
APP for Respondent – State : Mrs. P. V. Diggikar
Advocate for Respondent No.2 : Mr. A. Z. Zaidi (Appointed)

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 05 JANUARY 2023

PER COURT :

1. Heard the learned advocate appearing for the applicant as well as learned APP. Perused the documents.
2. It is to be noted that the temporary bail was granted to the applicant for undergoing operation. Accordingly, he has undergone operation. Now, applicant states that, even after the operation the complications have arisen and he is still under treatment. The medical certificate issued by Terna Speciality Hospital & Research Centre, Navi Mumbai on 03.12.2022, states that, he was operated six months back for mitral valve replacement. It is stated as valvular heart disease continuing medical management case. It also states that he is found to have chronic liver disease with Post MVR status.

3. Further papers tendered today would show that he is staying in OPD consultation and he is not admitted by the hospital authority, though it is stated that the patient is still suffering regular heart related issues requiring admission to hospital. Thus further details are not appearing in the said documents. Therefore, we are of opinion that his medical condition can be treated from the jail and it is not necessary to extend his temporary bail.

4. The applicant is accused No.2 – Dhananjay and has been found guilty by the trial court for the offences punishable under sections 377, 376(D), 354(C), 324 of Indian penal Code.

5. It is also to be noted that he was never released on bail throughout the trial. The application for suspension of sentence has been rejected by this Court. Only to give him medical assistance at the desired place/hospital, the temporary bail was granted and under such circumstance that condition is imposed. As compared to earlier situation, we are not extending the said period. Applicant to report back to the jail authority before 5:30 p.m. of 11.01.2023.

6. In case of failure on the part of the applicant to report back to the Jail Authority, learned APP to inform this Court immediately about the same.

7. The application stands disposed of.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)