SHAGUFTA QUTBUDDIN PATHAN
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3039 OF 2023
IN
CRIMINAL APPEAL NO. 1103 OF 2019

Yogesh @ Charu Ananda Chandane ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mrs. Nasreen Ayubi for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

None for the Respondent No. 2

CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
WEDNESDAY, 20th DECEMBER 2023

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks temporary bail for 45 days, on the premise that his father needs spine surgery. We, vide order dated 14th December 2023, had asked the learned

A.P.P to take instructions from the concerned hospital with respect to the Medical Certificate produced by the applicant.

3 Pursuant thereto, learned A.P.P has tendered the Certificate of the Orthopaedic Surgeon, where the applicant's father had gone for consultation. In the said Certificate, the Orthopaedic Surgeon has stated that Ananda Chandane (applicant's father) had come for opinion to him on 11th August 2023 and that he did not come thereafter for follow-up. He further stated that it was suggested that he undergoes surgery in 15 days, however, the problem can be conservatively managed by physiotherapy and medicines, for some time, as he was not having power loss in lower limb. It is further stated that for surgery, any family member/relative can be present for surgery and post surgery and that the patient will require one month's rest. A photocopy of the said Certificate dated 18th December 2023 is taken on record. Thus, it is not clear what is the present status / condition of the applicant's father.

4 Learned A.P.P further states that the applicant has falsely stated on page 3 para 4 that his mother had passed away and that he is the only son. She submits that the applicant's mother is alive and that the applicant has another brother, who lives in U.S.A and the applicant's sister lives in Maharashtra, India.

5 Considering that the applicant's father had gone to the doctor in August 2023 and thereafter he did not go for follow-up, we are unable to gauge the applicant's father's present status/condition. It also appears that the applicant has another brother and as such, the statement made in para 4 at page 3 is false.

6 Considering the aforesaid, at this stage, we are not inclined to release the applicant on temporary bail. Hence, the application is rejected.

7 Needless to state that it is open for the applicant, if an occasion so arises in future, to file a fresh application.

GAURI GODSE, J. **REVATI MOHITE DERE, J.**