

2. Learned Counsel for the applicant submits that the applicant's wife is suffering from severe spine pain and that the Doctor has advised her to undergo a surgery. Learned Counsel relied on the MRI scan and medical prescription of the applicant's wife. Learned Counsel for the applicant submits that the applicant is the only adult member in the family and that his parents have expired. Learned Counsel for the applicant further submits that the applicant has two minor children of 12 years and 13 years and there is no one to take care of his wife and children. Learned Counsel further states that the applicant was released earlier twice on parole and has returned back within the period as directed by the Court.

3. Learned APP does not dispute the certificate issued by Dr. Deshpande, attached to Shree Laxminarayan Hospital, Kolhapur. She does not dispute the fact that the applicant is the only male member of the family and that he has two minor children. She also does not dispute that the applicant whilst on parole, returned back within time.

4. Perused the papers. The Medical Certificate dated 18th April, 2023 of Dr. Girish Deshpande, attached to Shree Laxminarayan Hospital, Kolhapur, reads thus;

“This is to certify that Mrs. Neelam Jaydeep Chavan (43 yrs/F from Kolhapur) is suffering from Acute on Chr. Lumber Disc Prolapse L3.4/L4.5 with radiculopathy surgery and is under my treatment for that. She is in lot of agony with severe symptoms in lower limb. She will need to undergo urgent emergency surgery for decompression and nerve release.”

5. Therefore, it appears that the applicant’s wife is to undergo spine surgery on an urgent basis. It is also not in dispute that there is no other male member in the family to take care of the applicant’s wife and his children. It is not in dispute that the applicant was released twice on parole and that there is no breach of any of the conditions stipulated therein.

6. Considering the aforesaid, the application is allowed and the applicant’s sentence is suspended and he is enlarged on temporary bail for a period of two months, having regard to the medical condition of his wife, on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on temporary bail, for a period of 2 months, on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant whilst on bail, shall report to the Rajarampuri Police Station, Kolhapur, on every Saturday between 10.00 a.m. to 12.00 noon.
- iii) The Applicant shall surrender after the aforesaid period of two months is over;
- iv) The Applicant shall inform his latest place of residence, where he will be residing during the aforesaid period and mobile contact number immediately after being released and/or change of residence or mobile details to the concerned Officer of the Rajarampuri Police Station, Kolhapur, in writing;

7. The Application is allowed and disposed of in above terms.
8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.