



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 BAIL APPLICATION NO. 628 OF 2024

NARAYAN TUKARAM IRABATANWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. More P. P.

APP for Respondent/State : Mrs. Pratibha J. Bharad

...

WITH

CRIMINAL APPLICATION NO. 1626 OF 2024

IN BA/628/2024

SHIVSAMB BALWANTRAO DAVANGAVE

VERSUS

NARAYAN TUKARAM IRABATANWAD AND ANTOHER

...

Advocate for Applicant : Mr. Anand Chawre

APP for Respondent/State : Mrs. Pratibha J. Bharad

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 17th APRIL, 2024.

PER COURT :-

1. For the reasons stated in Criminal Application no.1626 of 2024, the application to assist to the prosecution is allowed.
2. The applicant in Bail Application No.628 of 2024 is seeking bail on the ground of illness and for medical treatment of the applicant. By the order of the Additional Sessions Judge, Latur, the applicant was treated in Swami Vivekanand Hospital at Latur.
3. The learned advocate for the applicant submitted that during the treatment, this applicant has not misused the liberty. He

pointed out that the applicant requires treatment for his heart. For that he is relying upon the documentary evidence. He submitted that the applicant is in a critical position, and therefore, the treatment is necessary. He prayed for allowing the application.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant will misuse the liberty and tamper the evidence or he may commit similar type of offence. She lastly prayed to reject the application.

5. The learned advocate for assisting to the prosecution submitted that when the applicant was in custody was on medical bail, he misused the liberty and he by calling Nayana tried to influence the Government Pleader at Latur in order to get extended the period of medical treatment from the Court. He submitted that the applicant is involved in serious crime. At the most, he can be treated in Government Hospital. The learned advocate pointed out the para 10 of the order passed by the trial Court below Exhibit-276 dated 1st March, 2024. He lastly submitted to reject the application.

6. Perused the papers of medical treatment and also para 10 of the order passed by the Trial Court below Exhibit-276 dated 1st March, 2024. The applicant is having illness of heart and also having serious injury to his right scapular region. He is admitted in Vilasrao Deshmukh Government Medical College & Hospital, Latur. The applicant is ready to bear the expenses for medical treatment in

Dinanath Mangeshkar Hospital at Pune for his heart disease and there are some schemes as the said hospital is registered as public trust to provide some concession in payment of medical charges. Considering all these aspects, it would be proper to allow the application in the interest of applicant for his treatment. The application, therefore, deserves to be allowed on certain conditions. For the reasons stated above, the contentions of the learned APP and the learned advocate for assisting to the prosecution cannot be acceptable. Hence, the following order.

O R D E R

- I. Application is partly allowed.
- II. The applicant in connection with crime No. 0097 of 2022 registered with Chakur Police Station, Dist. Latur, for the offences punishable under section 302 of the Indian Penal Code and subsequently added sections 120-B, 201, 212, 216 read with 34 of the Indian Penal Code and sections 3(1)(i), 3(2), 3(3) and 3(4) of MCOC Act be released on bail for two months on furnishing personal bond of Rs.1,00,000/- with one or two sureties of the like amount on following conditions:-
 - a) The applicant shall take treatment in Dinanath Mangeshkar Hospital at Pune.
 - b) The applicant shall not contact any witnesses and shall not tamper with the prosecution evidence.

- c) The applicant shall intimate to the trial Court as to the nature of treatment with opinion of doctor and progress of his medical treatment and future time required for it along with papers of treatment at least once in a week.
- d) The applicant shall not enter in Latur district except for attending the dates fixed before the trial Court.
- e) The applicant shall not indulge in any other offences.
- f) The bail is granted for two months only. If further treatment is necessary, the applicant is at liberty to file further application.

III. If any breach of the above condition is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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