



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

CRIMINAL APPLICATION NO.1638 OF 2023 IN
CRIMINAL APPEAL NO.142 OF 2022

Babu s/o Mahalappa Bandichode ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. S.S. Gangakhedkar, Advocate for applicant
Mr. S.D. Ghayal, Addl. P.P. for respondent, holding for
Ms Namita Sirdeshpande, Advocate holding for
Mr. S.B. Rajebhosale, Advocate for informant
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 16th JANUARY, 2024

ORDER :

Heard learned counsel for the applicant and learned
Addl. P.P. for respondent – State, assisted by learned counsel for
the informant.

2. The applicant, who has been convicted by the learned
Additional Sessions Judge, Omerga for the offence punishable
under Section 302 read with Section 34 of the Indian Penal Code, is
behind the bars. His appeal against conviction is admitted and
pending for hearing. The applicant is seeking bail on medical

grounds. The learned counsel for the applicant points out to the reports sent by the concerned Jail. Perusal of the said report shows clinical diagnosis as under :

"Clinical Diagnosis

Grade III Haemorrhoids with multiple anal Fissures managed by Milligan Morgan. Haemorrhoidectomy & Right Lateral Sphincterectomy.

3. It is submitted that, the applicant desires to take proper treatment for his said ailments. It appears that the applicant has undergone surgery in April 2023. The applicant is aged more than 65 years. Considering the age of the applicant and the required treatment for healing, the applicant can be granted temporary bail for his medical treatment at the hospital of his choice. It appears that, the grandson of the applicant would be taking the necessary care. Considering all these aspects, following order is passed :

ORDER

(i) The applicant/ appellant be released on temporary bail for a period of three months on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(ii) The applicant shall place on record the periodical medical

treatment papers before this Court twice a month.

(iii) The applicant shall report the concerned Jail on expiry of three months post his release.

(iv) The Criminal Application stands disposed of.

4. Matter may be kept for report on 29th April 2024.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-