



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

**954 CRIMINAL APPLICATION NO. 3282 OF 2024
IN APEAL/397/2024**

LAHU SAYAJI GHANGALE
VERSUS
THE STATE OF MAHARASHTRA

Mr.V.D. Hon, Sr. Advocate i/b. Mr. A.V. Hon, Advocate for the applicant.
Ms.Chaitali Choudhari – Kutti, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 16.08.2024

PC :-

01. Heard learned Senior Advocate for the applicant. This application is for suspension of sentence and release of the applicant on bail. It is urged that the applicant is suffering from ailments like severe diabetes and prostate problem.

02. Learned APP pointed out that earlier application of this applicant is already rejected by this Court on merits vide order dated 10.05.2024 by elaborately discussing provisions and merits of the case. However, learned Sr. Advocate submits that present application is on medical ground by inviting attention to the certificates showing that the applicant is suffering from prostate problem and needs to be operated. He has produced on record prescription dated 16.11.2023 and

ultrasonography report dated 01.09.2023. He has also produced on record order passed by the Hon'ble Apex Court in the case of **Hasan Amir Raje Vs. The State of Maharashtra (Criminal Appeal No.3318 of 2024)** arising from the same proceeding against which this application is filed. In that case this Court by order dated 24.07.2024 in Criminal Application No. 2735 of 2024 had rejected the temporary bail application on medical ground. The Hon'ble Apex Court, however, granted temporary bail in said case for six weeks, subject to terms and conditions to be imposed by the Trial Court. In the case of **Hasan Raje (supra)**, the Court specifically observed that looking to the medical condition of the appellant therein the order was passed. The report was received from prison showing health status of the applicant as under :-

"10. Clinical Diagnosis – Unstable Angina, Single Vessel Disease (LAD with Branch Vessel Disease), Hypertension, Non-Obstructing Calculus, Prostatomegaly . (Stricture of Urethra), Psychiatric illness with Deprassion."

03. It appears that the Hon'ble Apex Court granted temporary bail in that case by order dated 09.08.2024, whereas in the present case there is report only of ultrasonography dated 01.09.2023. As rightly pointed out by the learned APP, this ground was available to the applicant when the earlier application was filed.

04. Though this Court is inclined to reject the application, the application is rejected with liberty to the applicant to apply afresh in case there is medical emergency. The application is accordingly disposed off.

05. Needless to state that the observations made above are for the purpose of deciding present application only.

[KISHORE C. SANT, J.]