



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1521 OF 2024**

Narayan S/o. Tukaram Irabantawad

Age:- 49 years, Occ. Business,
R/o. Shirur Tajband, Tq. Ahmedpur,
Dist. Latur

..Applicant

Versus

The State of Maharashtra,
Through Police Inspector
Chakur Police Station,
Tq. Chakur, Dist. Latur.

..Respondent

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**WITH
CRIMINAL APPLICATION NO.3895 OF 2024
IN
BAIL APPLICATION NO.1521 OF 2024**

Shivsamb s/o. Balwantrao Davangave,
Age- 60 Years, Occupation – Agriculture,
R/o. Laxmi Galli, Shirur Tajband, District Latur

..Applicant

Versus

1. Narayan S/o. Tukaram Irabantawad
Age:- 47 years, Occ. Nil and
Member of Organised Crime Syndicate,
Resident Of Near Parshuram Park,
Harangul Road, Latur
and also Shirur Tajband,
Dist. Latur

2. The State of Maharashtra,
Through Chakur Police Station,
Tq. Chakur, Dist. Latur.

..Respondents

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Mr. P. P. More, Advocate for the Applicant.

Mr. V. S. Badakh, APP for Respondent-State.

Mr. Anand Chawre with Mrs. Vandana Sadawarte, Advocates for
Applicant in Appln/3895/2024 for Assist to APP.

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CORAM : S. G. CHAPALGAONKAR, J.

Reserved On : 13th DECEMBER, 2024.

Pronounced On : 18th DECEMBER 2024.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.0097/2022 registered with Chakur Police Station, Dist. Latur for the offences punishable under Sections 302, 120-B r/w 34 of the Indian Penal Code and Sections 3(1)(i), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. This is successive bail application of the applicant. Previous bail applications of the applicant have been rejected by Sessions Court as well as this Court. Last bail application was rejected on merit by the Sessions Court on 01.04.2024. Thereafter, applicant moved Sessions Court for grant of bail on medical ground. It was granted. Accordingly, applicant was temporarily released on bail and then surrendered on 07.03.2024. The applicant then moved this Court vide Bail Application No.628/2024 for grant of bail on medical ground under the pretext that he wish to take treatment in private hospital i.e. Dinanath Mangeshkar Hospital at Pune for two months. His prayer was favourably considered and on 17.04.2024, he was granted temporary bail. During this period, he took treatment at Dinanath Mangeshkar Hospital at Pune. Again applicant moved application for extension of temporary bail. However, this Court refused the prayer for extension. This Court has further observed that applicant is adopting tactics and playing some foul game to stay away from jail. Consequently, application came to be rejected on 18.06.2024. The applicant without waiting further, again moved application dated 03.07.2024 before the Sessions Court for grant of bail. The learned Sessions Judge vide his detailed order dated 29.07.2024 rejected prayer of the applicant. In this background, present bail application is moved.

3. Mr. More, learned Advocate appearing for the applicant submits that applicant is not provided requisite medical treatment

at the Government Hospital. He has undergone surgery at Dinanath Mangeshkar Hospital at Pune during the period of his release on medical ground by this Court. However, still medical condition of the applicant is critical and he would further need medical supervision at Super Specialty Hospital.

4. Considering submissions advanced, a report as regards to medical condition of the applicant was called. The report of examination dated 04.12.2024 is forwarded by Medical Office, District Prison, Latur. The complaints noted are 'pains at back of head with cyst and pain in chest'. The Medical Officer recorded that present health conditions is good. However, opined that needs opinion of the General Surgeon regarding normal cyst present below the back of head. The report further records that patient was previously admitted at Vilasrao Deshmukh Government Medical College and Hospital, Latur on 24.07.2024, but declined to perform surgery. Hence, discharged against medical advise. The discharge card suggests that patient shown his desire to undergo surgery at private hospital.

5. The aforesaid circumstances clearly demonstrates that applicant is playing various tactics to stay away from jail and refusing his medical treatment, which is normally available for management of the cyst. The medical condition of the applicant is observed to be good. Although it is advised for surgical opinion from General Surgeon, applicant is insisting for treatment in private hospital. There is nothing to demonstrate that his medical condition cannot be managed through regular mode available to prisoners. No specific material is placed before this Court depicting extraordinary medical condition of applicant requiring medical treatment at higher centre or private hospital.

6. Looking to the previous conduct of the applicant and seriousness of the offence, no case is made out to grant bail to the applicant.

7. Consequently, Bail Application stands rejected.

8. Criminal Application No.3895/2024 for assist to APP is allowed and accordingly disposed of.

(S. G. CHAPALGAONKAR)
JUDGE