

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2180 OF 2023

Pooja Vishal Surve

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mrs. M.L. Sangit

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 16, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant after having rejected her bail on merit by the Hon'ble Supreme Court, moved to the Additional Sessions Judge, Shrigonda for bail on the ground of her ill-health. She stated she was suffering from Lumbosacral Degeneration with Disc Bulge Protrusion Affecting Nerve Root. However, the learned Additional Sessions Judge, Shrigonda recorded a specific finding that the jail authorities are providing the treatment to her in the Government Hospital as well as in the private hospital. There was nothing before the learned Additional Sessions Judge to believe that a special treatment with a caretaker is required to the applicant. Since the applicant was time and again moving the application for bail by searching new grounds,

the learned Additional Sessions Judge imposed the exemplary cost of Rs.5,000/- against her.

3. Perusal of the papers placed on record and the order of the learned Additional Sessions Judge, Shrigonda reveals that the applicant is not suffering from such a disease that requires a surgery that may not be provided by the jail authority in Government Hospital. That apart, she was also treated in the private hospital. There were no grounds to consider her request for bail on her ill-health. The applicant has no case for bail on the said grounds. Hence, it is rejected. However, the order granting exemplary cost of Rs.5,000/- is set aside and it be refunded to the appellant, if deposited, at the earliest.

(S.G. MEHARE, J.)