

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.905 OF 2024

Suresh Ramchandra Mali

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Atharva R. Bhingardevi i/b. Mr. Vaibhav R. Gaikwad, Advocate,
for the Applicant.

Mr. P. P. Malshe, APP, for the Respondent – State.

Mr. Zagade, P.C.-B.No.1544, Vaduj Police Station, Satara, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 02.04.2024

P. C.

1. Heard Mr. Bhingardevi, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	100 of 2016
2.	Date of registration of F.I.R.	15.04.2016
3.	Name of Police Station	Vaduj, Satara
4.	Sections invoked	201, 302 r/w. 34 of the I.P.C., 1860
5.	Date of incident	14.04.2016
6.	Date of arrest	20.04.2016

3. At the outset, Mr. Bhingardevi, learned Counsel for the Applicant submitted that this is the second Bail Application preferred by the Applicant. He pointed out the Order dated 13.12.2017 passed by this Court (Coram: Smt. Sadhana S. Jadhav, J.) in B.A. No.1712 of

2017. He therefore submitted that he is not pressing this Application on merits. He submitted that however, there is a tremendous delay in trial. The Applicant was arrested on 20.04.2016 and is incarcerated since almost eight years and the trial has not been concluded till date. He submitted that the stage of the trial is 'arguments' since 06.09.2023. He submitted that the Applicant is suffering from Cancer and requires periodical hospitalisation and medication. He therefore submitted that bail may be granted to the Applicant.

4. On the other hand, Mr. Malshe, learned APP for the Respondent-State vehemently opposed the Bail Application. He submitted that the trial is nearing conclusion and the stage is 'arguments'. He therefore submitted that the Bail Application of the Applicant may be rejected. He submitted the Prisoner's Medical Report of the Applicant dated 11.03.2024.

5. The said Medical Report dated 11.03.2024 issued by the Chief Medical officer, Yerwada Central Prison, Pune-6 *inter alia* records the following:-

"03) NAME OF PRISONER : SURESH RAMCHANDRA MALI

04) AGE & SEX : 39 Yrs, MALE.

05) DATE OF EXAMINATION : 11.03.2024 AT PRISON HOSPITAL, PUNE.

06) PRESENT COMPLAINTS (IF ANY) : PAIN AND SWELLING LEFT INGUINAL REGION, ABDOMINAL PAIN AND INDIGESTION, LOSS OF SCALP HAIR.

07) PAST ILLNESS/ACCIDENT/OPERATIONS (IF ANY) : HISTORY OF LEFT SIDED METASTATIC GERM CELL TUMOUR (SEMINOMA) OPERATED ON 11.05.23 WITH HISTORY OF LEFT LOWER LIMB DVT WITH LEFT INGUINAL METASTASIS.

11) CLINICAL DIAGNOSIS : LEFT TESTIS SEMINOMA SPECIALLY HIGH INGUINAL ON CHEMO THERAPY THIRD

CYCLE COMPLETED AND HAS HISTORY OF ORCHIDECTOMY WITH OLD LEFT LOWER LIMB DVT.

12) TREATMENT GIVEN : CHEMO THERAPY INJ CISPLATIN 70 MG. INJ ETOPOSIDE 100 MG. IN GRANISETRON, INJ RANTAC 50 MG, INJ DEXA 8 MG, TAB WARF 5 MG OD. TAB PAN 40 OD, MUCAINE GEL.

13) MEDICAL ADVICE (IF ANY) : HE IS ADVISED FOLLOW UP IN ONCOLOGY OPD ON 20.03.2024 FOR FURTHER MANAGEMENT IN SGH PUNE.

15) PRESENT HEALTH STATUS : AT PRESENT THE PHYSICAL HEALTH CONDITION OF THE PRISONER IS GUARDED AND IS UNDER TREATMENT AT PRISON HOSPITAL PUNE AS ADVISED BY EXPERTS OF SASSOON GENERAL HOSPITAL PUNE."

(Emphasis added)

Thus, it is clear that the Applicant is suffering from Cancer and he requires extensive medication and hospitalisation. He is receiving Chemotherapy.

6. Although the trial is nearing conclusion, however, it is to be noted that the stage is of 'argument' since 06.09.2023 i.e. for the last about 8 months.

7. The trial is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

ORDER

(a) The Applicant - Suresh Ramchandra Mali be released on bail in connection with C. R. No. 100 of 2016 registered with the Vaduj Police Station, District- Satara on

his furnishing P. R. Bond of Rs.10,000/- with one or two local sureties in the like amount. The Applicant is granted leave to furnish cash surety in lieu of surety for a period of two months.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Vaduj Police Station, District – Satara as and when required.

(d) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(e) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]