

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1691 OF 2024

Nitin Rambhau Nivangune	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Abhishek Jha a/w. Mr. Nishant Mokul, Advocates, for the Applicant.
Mr. Prasanna P. Malshe, APP, for the Respondent-State.
Mr. Y. D. Jadhav, HC-Velhe Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th APRIL 2024

PC:-

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

2. At the outset, Mr. Jha, learned Counsel for the Applicant states that the Applicant is seeking extension of temporary bail granted vide Order dated 1st February 2024 for a period of 6 months. He states that the medical condition of the Applicant is very precarious as he is suffering from uncontrolled diabetes as well as now symptoms of unstable angina are noted and coronary angiography is also advised.

3. In view of the health condition of the Applicant, this Court by Order dated 1st February 2024 granted temporary bail till 30th April 2024. Paragraph Nos. 2 to 6 of the said Order dated 1st February 2024 read as under:

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

1.	<i>C.R. No.</i>	<i>4 of 2023</i>
2.	<i>Date of Registration of F.I.R.</i>	<i>18th January 2023</i>
3.	<i>Name of Police Station</i>	<i>Velhe, Pune</i>
4.	<i>Section/s invoked</i>	<i>302, 34, 201 of IPC, 1860</i>
5.	<i>Date of Incident</i>	<i>13th January 2023 to 15th January 2023</i>
6.	<i>Date of Arrest</i>	<i>18th January 2023</i>
7.	<i>Date of filing Charge-sheet</i>	<i>17th April 2023</i>

3. On 24th January 2024, this Court has passed following order :

"1. Heard Mr. Salunke, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing for the Respondent-State.

2. It is the contention of Mr. Salunke, learned Counsel appearing for the Applicant that the

Applicant is suffering from recurring gangrene on his right foot due to high blood sugar and is also suffering from an acute chest pain amongst various other ailments.

3. The Applicant's Prisoner's Medical Report dated 23rd January 2024 by the Chief Medical Officer, Yerwaada Central Prison, Pune-06, mentions in clause No.6, as follow:

"06) PRESENT COMPLAINTS (IF ANY):

TINGLING AND NUMBNESS IN LEFT SIDE OF BODY AND SWELLING IN LEFT LEG, PAIN IN NAIL BED OF RIGHT GREAT TOE AND WATERY DISCHARGE FROM RIGHT GREAT TOE NAIL BED."

4. Therefore, in view a of the above observations recorded in the said report, the Respondent-State is directed to admit the Applicant in Sassoon General Hospital, Pune.

5. The concerned Doctors of Sassoon General Hospital, Pune are requested to carry out the necessary medical investigation and examination regarding health condition of the Applicant and submit the report thereof to this Court.

*6. Stand over to **31st January 2024.***

7. To be listed in the 'Supplementary Board' [first on board]."

4. Pursuant to aforesaid Order, the Applicant was admitted to the Sasoon General Hospital, Pune on 30th January 2024.

5. Professor & HOD, Department of Medicine, B.J. Government Medical College & Sasoon General Hospital, Pune has submitted report dated 1st February 2024, which reads as under:

*“Prisoner- Nitin Rambhau Nivgune-no-3296/24 Mle no.-2013, Mrd- I/2/6469 was admitted under Dr. H.B. Prasad sir unit on 30/01/24 in ward 16 with complaints of tingling and **numbness of left upper limb and lower limb**. He is a **known diabetic and hypertensive on treatment**. On evaluation he was **uncontrolled blood sugars and left hemiparesis and CT brainis suggestive of right subinsular cortex infarct**. At present patient is hemodynamically stable and conscious and **oriented with mild weakness on left side**. Patient is on **antiplatelet and anti hypertensive medications, injection-insulin and supportive treatment**.”*

(Emphasis added)

6. Thus, it is clear that the health condition of the Applicant is not good. Accordingly, the Applicant can be enlarged on temporary bail for a period of three months on the condition that the Applicant to surrender on or before 30th April 2024 to the Jail Authorities.”

4. Mr. Malshe, learned APP for the Respondent-State after taking instructions, confirmed the medical condition of the Applicant.
5. Accordingly, the temporary bail granted to the Applicant can be continued till 31st October 2024 by imposing conditions.
6. In view thereof, the following order:-

ORDER

- (a) The temporary bail granted to the Applicant – Nitin Rambhau Nivangune by order dated 1st February 2024 passed in Criminal Bail Application No. 3663 of 2023 in connection with C.R. No.4 of 2023 registered with the Velhe Police Station, District - Pune is continued on his furnishing fresh P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount for a period from 1st May 2024 to 31st October 2024.
- (b) Son of the Applicant, Onkar Nitin Nivangune will report to the Velhe Police Station, District-Pune on

every Sunday of every week between 11:00 a.m. and 1:00 p.m. and the Police will confirm about the Applicant's presence either in the hospital or at his residence by video call. The Police authorities also to independently verify presence of the Applicant at hospital or at his residence, if necessary.

- (c) On being released on bail, the Applicant shall furnish his and his son's cell phone number and his residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.
- (h) The Applicant shall surrender to the Jail Authorities on or before 31st October 2024.

7. The Bail Application is disposed of in above terms.

8. It is clarified that this Court has not considered the merits and the Applicant is at liberty to file a fresh Bail Application on merits and if there is no improvement in his medical condition.

[MADHAV J. JAMDAR, J.]

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