



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2475 OF 2023

Suryakant Vishram Kasardekar

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. K. V. Dubey and Mr. Khan Mohmad Asruf, Advocates for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Pravin Ahire, A.P.I., Waliv Police Station, District-Palghar, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 22nd FEBRUARY 2024

PC:-

1. Heard Mr. Dubey and Mr. Khan, learned Counsels appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. Mr. Dubey and Mr. Khan, learned Counsels appearing for the Applicant state that although this Bail Application is preferred in August 2023 under Section 439 of the *Code of Criminal Procedure, 1973* for regular bail on merits, however presently there is an urgency as the Applicant is in a critical medical state. In view of

the said submission made before this Court on 21st February 2024, learned APP has been directed to take instructions and the matter is listed today i.e. on 22nd February 2024 at 2.30 p.m.. Today learned APP has tendered the communication dated 22nd February 2024 of Professor and Head, Department of Neurosurgery, G.M.C. & Sir J.J.H., Mumbai. The said communication reads as follows:-

“This is to certify that Prisoner named Suryakant Vishram Kasardekar was admitted in Neurosurgery unit in Sir J. J. Hospital on 16/02/2024, MRD No.Y-4898, with the diagnosis of left Cerebellopontine Angle tumour with Hydrocephalus. The patient underwent Medium Pressure VP Shunt placement with Tracheotomy on date 20/02/2024. Currently patient Suryakant Vishram Kasardekar is admitted in Critical Care Unit of Sir JJ Hospital and still on ventilator.”

3. Thus, it is clear that the Applicant has been admitted in G.M.C. & Sir J.J. Hospital, Mumbai in the Neurosurgery Unit on 16th February 2024 with the diagnosis of left cerebellopontine Angle tumour with Hydrocephalus. Accordingly, the Applicant can be enlarged on temporary bail for about 4 months.

4. In view thereof, the following order:-

ORDER

- (a) The Applicant-Suryakant Vishram Kasardekar be released on bail in connection with C. R. No.768 of 2021 registered with the Waliv Police Station, Taluka-Vasai, District-Palghar on furnishing Cash Bond of Rs.10,000/- by his son - Sunil Suryakant Kasardekar.
- (b) On being released on bail, the Applicant's son - Sunil Suryakant Kasardekar shall furnish Applicant's as well as his own 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 surrender before the jail authorities on or before 18th June 2024.

5. As the Applicant is granted temporary bail for about 4 months, Mr. Dubey and Mr. Khan, learned Counsel appearing for the Applicant after taking instructions from Sunil Suryakant

Kasardekar who is the son of the Applicant and is present in Court, seeks withdrawal of the Criminal Bail Application with liberty to file a fresh Bail Application seeking bail on medical grounds in the learned Trial Court as well as Bail Application for regular bail in this Court. Leave as sought is granted.

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

[MADHAV J. JAMDAR, J.]