

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

BAIL APPLICATION NO. 4521 OF 2024

Divyangbhai Kamleshbhai

Raval

.. Applicant

v/s.

The State Of Maharashtra & Anr.

.. Respondents

Mr.Zaid Qureshi a/w. Ms. Pooja Khandekar for the Applicant.

Ms. S.S.Kaushik, APP for the Respondent No.1-State.

Mr. Kuldeep Patil (Through V.C.) a/w. Ms.Saili Dhuru

(Present in Court) for Respondent No.2-CBI.

Mr. Ashish Sharma, Dy.S.P. CBI, IOD, New Delhi, IO in the case.

CORAM : SHYAM C. CHANDAK, J.

DATE : 5th NOVEMBER 2024.

(VACATION COURT)

P.C. :

Learned Advocate for the Applicant at the outset seeks leave to amend, to correct the cause title.

2) Leave to amend.

3) Amendment be carried out forthwith.

4) Learned Advocate for the non-Applicant No.2 tenders Affidavit in reply. It is taken on record.

5) Heard learned Advocate Mr. Zaid Qureshi for the Applicant, Ms.S.S.Kaushik learned APP for the Non-Applicant No.1-State and Mr.Kuldeep Patil (through V.C.), learned Spl.PP for Non-Applicant No.2-CBI.

6) Present Application seeking for interim bail for a period of four

weeks and in the alternative, the Application is seeking to allow the Applicant to remain present in “ Zydus Hospital” at Ahmedabad as his father was admitted there for certain ailment. Learned Advocate for Applicant states that, during the pendency of the Application, the Applicant’s father has been shifted to his house.

7) The Non-Applicant No.2 opposed the Application by filing reply.

8) Facts giving rise to this Application are as follows:

The Applicant has been arrested on 8th October 2024, in Case No. RC-No.231204S0010 registered with CBI IOD, New Delhi, under Sections 61 and 318 of Bhartiya Nyay Sanhita and Sections 66D r/w. 75 of the Information & Technology Act, 2000, at the instance of the Respondent No.2 - CBI.

9) Learned Advocate for the Applicant submits that presently the father of the Applicant is bedridden, due to serious medical conditions i.e. G.C.bleed with IVH + Diffuse Sah + basal cistern not visualised with t-stomy done on 7th October 2024. Earlier, the Applicant’s father was on Ventilator at Zydus Hospital in Ahmedabad. However, there was no improvement in the health condition. Therefore, the father of Applicant was shifted to home. Initially, the Applicant filed a regular Bail Application before the learned Chief Judicial Magistrate, Pune. Thereafter, the Applicant filed a temporary Bail Application to remain with his father. However, the learned Chief Judicial Magistrate, Pune rejected the said applications.

10) Thereafter, the Applicant approached the Sessions Court at Pune and filed an Application for the temporary bail. However, said Application also met with a rejection. Hence, this Application.

11) After hearing the Application for some time, when this Court expressed that considering the facts and circumstances of the case, the interim bail cannot be granted, the learned Advocate for the Applicant submitted that then atleast the alternative prayer may be considered on humanitarian ground.

12) Learned APP Ms. S.S.Kaushik for the Respondent No.1-State submitted that considering the facts and circumstances of the case necessary Orders may be passed.

13) Presently, the Applicant is lodged in Yerwada Central Prison, Pune. The Applicant wants to travel to Ahmedabad to see his father. The Applicant is prepared to pay the necessary Police Escort and incidental charges. The Applicant wants to remain with his father only for 48 hours. In view thereof, present application deserves to be disposed of accordingly. Hence, the following order:

ORDER

i) The Applicant is permitted to visit his father at Ahmedabad for two days between 7/11/2024 to 10/11/2024, the Applicant be taken from Yerwada Central Prison at Pune on 7/11/2024 to his father's residence viz. B-504, Shyam Villa-3 Nikol, Ahmedabad, Gujrat 382 350, under the Police

escort, to be provided by the Respondent No.1 -State.

ii) The Applicant shall be brought back to the Jail by 5.00p.m. of 10/11/2024.

iii) The Police escort party shall be in plain clothes, during the Applicant's stay with his father at his residence.

iv) The Police escort and incidental charges shall be deposited by the Applicant at the Yerwada Central Prison or with the concerned authority, before leaving the prison.

v) The Applicant shall make necessary arrangement for lodging and boarding of the Police escort party, at his own costs.

vi) The Applicant shall not contact any accused, including the absconding accused in the crime and/or any other person directly or indirectly involved in the aforesaid crime.

vii) The Applicant shall not use any mobile or Phone device during the aforesaid four days period and meet any other person outside his family.

viii) The Police to keep proper watch on the Applicant for the aforesaid period.

ix) It is made clear that this Bail Application is not heard on merit and the present Order is passed just to facilitate the Applicant to meet his ailing father, on humanitarian grounds.

- x) Bail Application is disposed of in the aforesaid terms.
- xi) All the concerned to act on an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

JYOTI
RAJESH
MANE

Digitally signed by
JYOTI RAJESH
MANE
Date: 2024.11.05
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