

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

BAIL APPLICATION NO.5309 OF 2024

Nishant Shashikant Modi ... Applicant
Versus
Union of India & Anr. ... Respondents.

Mr. Parvez Memon (through VC) a/w Mr. Pratik Karande and Mr. Aditya Talpade and Ms. Namasvi Bhanushali, for the Applicant.

Ms. Manisha Jagtap, Special Public Prosecutor for Respondent No.1.

Mr. Ashok S. Gawai, APP for Respondent No. 2/State.

CORAM : ASHWIN D. BHOBE, JJ.

**DATE : 27th DECEMBER, 2024
(VACATION COURT)**

P.C. :

1. Heard Mr. Memon, the learned Advocate for the Applicant Ms. Jagtap, the learned Special Public Prosecutor for Respondent No.1 and Mr. Ashok Gawai, APP for State.

2. This Court by order dated 26th December, 2024 had adjourned the matter and fixed the same today (27th December, 2024), so as to enable the learned APP to take instructions on whether any suitable and appropriate arrangement could be made to enable the Applicant-inmate, to accord consent for any approval of medical procedures for his wife, who is said to be facing the risk of pre-term labour.

3. Today, Ms. Jagtap on behalf of Respondent No.1 on instructions of Mr. Venegavkar submits that the Respondent No.1 intends to oppose the application by filing a reply.

4. Records of the case indicate that the notice was issued on 16th December, 2024. This Court on 26th December 2024 considering the humanitarian issue as raised by the Applicant, fixed the matter today (27th December, 2024) for the learned APP to take instructions.

5. As and by way of last opportunity, the Respondent No.1 is permitted to file reply on or before the next date of hearing, by serving advance copy to the Advocate of the Applicant.

6. Considering the issue involved in the present application and in the peculiar facts of this case, as was considered by this Court in its order dated 26th December, 2024, as an exceptional case, matter to stand over to 30th December, 2024, for further consideration.

7. In the event no reply is filed , this Court will consider the application in the absence of any such reply.

8. Stand over to 30th December, 2024.

(ASHWIN D. BHOBE, J.)