

Shailaja

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

**INTERIM APPLICATION NO.1488 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.2959 OF 2022**

Nikhil Mahesh Malkarnekar	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

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Mr. Advait Tamhankar, for the Applicant.

Mr. Mayur S. Sonavane, APP for Respondent – State.

Mr. Salunkhe, A.S.I, ANC, Worli, Mumbai.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22nd APRIL, 2024.

P.C.

1. In continuation of an order passed by this Court on 10th April, 2024, a team of Doctors comprising of Professor - Head of the Department of Orthopedics, Associate Professor and Assistant Professor of the J.J. Hospital examined the applicant and noticed that he had “Left Intertrochanteric Non Union with DHS Implant in SITU” which is a kind of fracture which takes at least six months to heal. The aforesaid certificate issued by the J.J. Hospital on 18th

April, 2024, however, does not indicate whether judicial custody of the applicant would be feasible or it would aggravate the said disease. Be that as it may.

2. Learned Counsel for the applicant invites my attention to an opinion given by a private Doctor from Multispeciality Hospital namely Dr. Shailesh K. Mishra who also appears to be Consultant Orthopedic Surgeon which reads thus;

“He also has infection in left hip. He is obese with body weight 124 kg. He requires continuous antibiotic treatment & regular follow up with X-Ray & blood test. He is advised bed rest. He is asked not to put weight on operated leg. He requires assistance for his daily hygiene, toilet, bath, sitting, walking. The fracture may take 6-9 months for healing if everything goes well”.

3. Having considered the report of Dr. Shailesh Mishra, J.J. Hospital and in the interest of justice, interim bail on medical ground will continue initially for a period of three months.

4. The applicant shall, meanwhile, attend the concerned Police Station once in a month on first Sunday.

5. The applicant shall furnish his further progress by appearing before the Doctors of J.J. Hospital.
6. List on 22nd July, 2024.

[PRITHVIRAJ K. CHAVAN, J.]