

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2322 OF 2024
IN
CRIMINAL APPEAL NO.1051 OF 2021

Dilip Shreepad Bhalerao .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
CRIMINAL APPEAL NO.424 OF 2022

Karan Nandkumar Patil & Anr. .. Appellants
Versus
The State of Maharashtra .. Respondent

...

Mr.Irfan A. Shaikh for the Applicant.
Mr.Y.M.Nakhwa, A.P.P. for the State/Respondent.
WPSI A.H.Shinde, attached to Mahim Police Station, present.

...

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 05th AUGUST, 2024

P.C:-

1. In compliance of the direction dated 18/07/2024, Mr.Nakhwa, the learned A.P.P., has placed before us the report from the Superintendent of Open Prison Paithan.

We have perused the said report, which reveal the clinical diagnosis of the patient as “CVA (Infarct) with right

sided Hemiparesis on account of hypertension”. The report has also made reference to Limb Physiotherapy and upon his examination on 07/05/2024, he is given medicine for hypertension.

2. Though the report of the Superintendent dated 25/07/2024 reflect that the prisoner is allotted agricultural work in the open prison, but on account of his illness, he is avoiding to do so. Looking to the fact that he is suffering from Hemiparesis on right side, we deem it appropriate that the Superintendent shall allot him some light work, rather than the agricultural work in the prison and we also make it clear that upon such work being allotted, it is imperative for the prisoner/convict to carry out the instructions of the Superintendent.

3. We have also noted that by an order dated 19/09/2022, the interim application filed by the Applicant alongwith other co-accused was rejected, by recording that there is sufficient evidence to show the complicity of the Applicant in the crime.

Though the learned counsel for the Applicant insisted for the release of the Applicant on bail in the wake of the decision in the case of *Suleman Vs. The State of Uttar Pradesh*¹, in view of the decision of the Apex Court in the case of *Omprakash Sahni Vs. Jai Shankar Chaudhary & Anr.*², since on an earlier occasion, his application was considered on merit, we are not required to go into the merits of the matter and have

¹ 2022 SCC OnLine 714

² (2023) 6 SCC 123

considered the present Interim Application only on the ground of illness that was set out in the application.

The Interim Application stands rejected. The hearing of the Appeal is expedited.

(MANJUSHA DESHPANDE, J.) (BHARATI DANGRE, J.)