



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 181 OF 2024
(Shyambabu alias P. T. s/o Ramesh Chachere V/s The State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. P. Joshi, Advocate for Applicant.
Ms. D. I. Charlewar, APP for Respondent/State.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 26, 2024.

- . Heard.
2. On 22/2/2024 following order was passed :

“ Heard.

When the court was not inclined to grant relief, the counsel for the applicant seeks time to cite Judgments.

The applicant is seeking temporary bail for 30 days on the ground that his mother may be required to undergo angioplasty or even bye-pass surgery if so advised. At present, it is not yet detected whether there is any blockage.

The applicant's father who is 72 years old is living with the applicant's mother. The applicant has an elder brother. However, it has been stated that he may not be in a position to take a decision. The reason why he cannot take a decision is not available.

Learned counsel intends to cite certain judgments.

Permission is granted subject to counsel satisfying the court on the law of precedent applicable in such cases. If it is found that judicial time of the court is unnecessarily wasted, the court may impose costs.

Stand over to 26/2/2024.”

3. The learned Counsel for the Applicant has relied upon the following orders :

- (1) Aadam Farukh Mayat Through Salma Farukh Mayat V/s State of Gujarat & 1 in Criminal Misc. Application (For Temporary Bail) No. 15761 of 2017 passed by the Gujarat High Court.
- (2) Bhramar @ Bhramarabar Pradhan V/s State of Odisha, in BLAPL No. 4980 of 2021, passed by the Orissa High Court.
- (3) Mulayam Singh Vaishya V/s The State of Madhya Pradesh in MCRC – 30154 – 2019, passed by the Madhya Pradesh High Court.

4. In *Aadam Farukh Mayat*, the Doctor's certificate indicated that the Applicant therein was required to undergo Angioplasty. In *Bhramar @ Bhramarabar Pradhan*, the Applicant's wife was suffering from DUB, Fibroid Uterus & CA Cervix and in *Mulayam Singh Vaishya* the Court noted that the witnesses examined till then have not supported the prosecution case and accordingly, considering the change in circumstance, the Court enlarged the Applicant on bail, though the Application was filed for releasing him on temporary bail on the ground of mother's illness.

5. So far as the cases of *Aadam Farukh Mayat* and *Bhramar @ Bhramarabar Pradhan* are concerned, the respective High Courts, considering the documents placed on record in

support of ailment and the peculiar facts and circumstances of the case, granted temporary bail to the Applicants therein. In the third case, the Applicant was enlarged on bail on finding that prosecution witnesses did not support the case.

6. Thus, considering the peculiar facts of the case, the respective Applicants were enlarged on temporary bail or on regular bail.

7. Admittedly, these orders, passed by various High Courts cannot be a binding precedent. Further, in the present case, the document relied upon by the Applicant is an OPD Sheet dated 15/2/2024 of NewEra Hospitals, Nagpur. The Doctor concerned has issued a medical certificate stating therein that the patient (mother of the Applicant) is having history of Chest pain associated with Exertional breathlessness; she is a known case of Type II Diabetes Mellitus (Uncontrolled). She is in need of 2-D Echo and Coronary Angiography for proper cardiac evaluation. The certificate indicates that the cardiac evaluation is suggested.

8. The Applicant has not produced any document showing evaluation as suggested by the Doctor. In fact, it is not even the case of the Applicant that the blockage has been detected and/or the Doctor has suggested Angioplasty.

9. There is, thus, nothing on record, except a bald statement to substantiate that in absence of the Applicant, his mother cannot undergo treatment as suggested or as would be suggested in due course. Despite such status, the Application has

been filed for releasing him on temporary bail for 30 days on the ground that his mother may require to undergo Angioplasty.

10. I do not find any merit in the application. The learned Counsel has unnecessarily wasted judicial time of the Court by citing orders of High Courts knowing fully well that firstly such orders cannot have binding precedent and secondly the orders have been passed in altogether different situation.

11. The Criminal Application is accordingly rejected with costs of Rs. 5000/- to be deposited with the High Court Bar Library, Nagpur within two weeks from today.

(ANIL L. PANSARE, J.)