

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

**INTERIM APPLICATION NO. 2040 OF 2025
IN
CRIMINAL APPEAL NO. 1317 OF 2024**

Amol Jaywant Pawar ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Aditya Raktade a/w. Aarti Shah for Applicant.
Ms. Sharmila S. Kaushik, APP for State/Respondent.
Mr. Amit A. Ghorde for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 19 JUNE 2025

PC :

1. This is an application filed by the Applicant for temporary bail for a period of six months for purpose of second surgery to be performed on his spine.

2. Learned counsel appearing for the Respondent No.2 submitted that a Division Bench of this Court in I.A.No.1959 of 2025 in Criminal Appeal No.1317 of 2024 had not granted a similar prayer. He pointed out that order to us.

3. Learned counsel for the Applicant submitted that the said order is already annexed at Exhibit-K and there is a reference to the opportunity to the Applicant for making appropriate application, if necessary.

4. The Applicant was convicted for commission of the offences punishable under sections 302 and 201 of the I.P.C., by the learned Additional Sessions Judge, Gadhinglaj, Kolhapur, vide the Judgment and order dated 18.11.2024, passed in Sessions Case No.13 of 2016. The major sentence imposed on him was life imprisonment. The order dated 03.06.2025 mentions that the Applicant was on parole for a total period of 66 days including the period of furlough.

5. In this background, we had sought report of the concerned doctor attached to Shri Renuka Multispeciality Hospital where first surgery was performed on the applicant.

6. Learned APP submitted that, pursuant to the previous order the applicant was taken to the said hospital under escort and as of today he is in the hospital. She tendered the report of

Dr. Amar Desai, attached to that hospital. The report dated 16.06.2025 reads thus:

“To,
whom it may so ever concern,

This is to certify that patient Amol J. Pawar 41/male operates for cervical PIVD on 28/05/2025. At present patient is hemodynamically stable. Patient came for stich removal. Would healthy, stapler sutures are removed under aseptic conditions. Post surgery patient upper limb weakness improved. First surgery helped patients health. Patient needs close monitoring. Post removal of stitches wound healthy. Dressing done. Dressing removal after 2/3 days. Kindly avoid travelling, avoid seating, avoid squat, avoid heavy weight lifting. It's about 3 weeks post first surgery. Second surgery planned on next week on 26/06/2025 for lumbar PIVD after patient's surgery patient requires strict bed rest for 3 months. Patient requires high protein diet. Patient may need 5/6 months of recovery of patient's health. Patient requires weekly followups for wound cares and neurosurgical assessment of patient. Patient avoid travelling after surgery. Patient needs long time physiotherapy after second surgery.”

7. Thus, from the report it is quite clear that the second surgery was advised and it is to be performed on 26.06.2025. After that, the patient would need strict bed rest for a period of three months and then further six months would require for recovery. He also needed physiotherapy after second surgery. Considering the report, it is quite clear that, second surgery is necessary which is

advised and which is also fixed to be performed on 26.06.2025. When the applicant was granted parole, he had undergone the first surgery and had surrendered before the authority. He had not absconded. Therefore, we see no reason to deny him an opportunity to undergo surgery under the supervision of the Medical Officer of his own choice because it is a serious surgery on the spine. Therefore, we are inclined to grant him bail for a temporary period to enable him to undergo surgery and after surgery for completing the period of bed rest. The prayer mentions temporary period of six months which, at this stage, appears to be on a higher side in spite of the report of the Doctor. Therefore, we are inclined to extend that benefit for a period of four months.

8. Hence, the following order:

ORDER

- i) During pendency of the Criminal Appeal No.1317 of 2024, the Applicant is directed to be released on bail for a temporary period of four months beginning from 23.06.2025 on his executing P. R. bond in the sum of Rs.50000/- with one or two

sureties in the like amount.

- ii) The Applicant shall give full details of the hospital, the Doctor, the post surgery residence and the contact number to the investigating officer within four days from today.
- iii) The investigating agency would be at liberty to periodically verify the availability of the applicant at those addresses.
- iv) The Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)