

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

BAIL APPLICATION NO.3175 OF 2024

Vijay Pralhad Kakade ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. Sambhaji Kharatmol, Advocate for the Applicant.

Mrs. G.P. Mulekar, A.P.P. for the Respondent No.1 – State.

Ms. Gargi Warunjikar a/w Mr. Hrishikesh N. appointed Advocate for the Respondent No.2.

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CORAM : N. R. BORKAR, J.
DATE : 09th JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant is facing trial for the offences punishable under Sections 366(A), 370, 376(2)(n) of Indian Penal Code (for short 'IPC') and 4, 8, 12 of Protection of Children from Sexual Offences (for short 'POCSO') Act and 3, 4, 5, of The Immoral Traffic (Prevention) Act (for short 'PITA').
3. The trial has commenced. The prosecution has already examined ten witnesses.
4. The learned counsel for the applicant submits that the

applicant is in jail for more than four years and is suffering from Diabetes Mellitus with Hypertension.

5. The learned A.P.P submits that in compliance of the order passed by this Court dated 24th December, 2024, the applicant was taken to Government Medical College and Hospital, Kolhapur. It is submitted that the prison authorities were advised to take the applicant to J.J. Hospital, Mumbai. The learned APP submits that she be granted time to take further instructions.

6. The learned counsel for applicant submits that the condition of the applicant is deteriorating and thus he be released on bail. The learned counsel for the applicant is not willing to wait for further instructions. As on today, there is no report before this Court that the ailment from which applicant is suffering can not be treated in government hospital. I am therefore, left with no option except to reject the bail application.

7. The application is rejected. The applicant shall be provided proper medical treatment, if needed, shall be taken to J.J. Hospital, Mumbai.

(N. R. BORKAR, J.)