

Amberkar

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

**BAIL APPLICATION NO. 2071 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 1858 OF 2025**

Shafi Ahmed Abdul Samad Shaikh .. Applicant
Versus
State of Maharashtra & Anr. .. Respondents

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- Ms. Vidhi Shah a/w Mr. Rahul Jagtap for Applicant
 - Ms. Sukanta A. Karmakar, APP for State
 - Mr. Nitin Palande, PSI, Trombay Police Station is present
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 24, 2025

P. C.:

1. Heard Ms. Shah, learned Advocate for Applicant and Ms. Karmakar, learned APP for State.
2. Pursuant to the order dated 22.01.2025, Applicant has filed Interim Application seeking medical bail. Applicant is required to be operated upon for removal of osteoma over right parietal region of his skull as opined by Sir JJ Group of Hospitals. It would be therefore appropriate and convenient to consider release of the Applicant on medical bail to undergo the aforesaid surgery for a limited period. Report of the Jail Hospital informing the status of Applicant's medical condition and his further appointment for the purpose of undergoing

surgery in Sir JJ Hospital has been placed on record by the Chief Medical Officer of Mumbai Central Prison.

3. On perusal of the Application filed on behalf of the Applicant and considering that operation of the Applicant is scheduled on 30.01.2025, I am inclined to consider the Application on an urgent basis. Considering that in view of the provisions of Cr.P.C., if the Court considers grant of any bail and in the present case, this is a medical bail, Respondent No. 2 will have to be heard. In that view of the matter, I direct learned Advocate for Applicant to serve spare copy of the present Application to the representative of the Investigating Officer (IO). IO is directed to serve the copy on Respondent No. 2 and place an appropriate report before this Court.

4. Present Bail Application is pending on the file of this Court since May 2024. On 09.05.2024, IO was directed by Court to serve Respondent No. 2 and file report of service. Learned Advocate for Applicant would draw my attention to the affidavit of service dated 14.01.2025. It is seen that the Senior Police Inspector of Trombay Police Station has been served with a copy of the Bail Application. As stated in the said service affidavit and as per the acknowledgment of the said Police Station, IO shall ensure that Respondent No. 2 shall be immediately apprised of this position and he/shall inform the Court on

27.01.2025 so that this Court will be in a position to pass appropriate orders in Medical Bail Application filed by Applicant.

5. Stand over to **27th January, 2025**. To be placed under the caption **“First on Board”**.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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