

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2071 OF 2024
WITH
INTERIM APPLICATION NO. 400 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 2071 OF 2024

Shafi Ahmed Abdul Samad Shaikh .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondent

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- Ms. Vidhi Shah a/w. Mr. Rahul Jagtap, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent No1 – State.
 - Mr. Akshay Bhalerao a/w. Mr. Anup Kamble, Advocates for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 27, 2025.

P.C.:

1. Heard Ms. Shah, learned Advocate for Applicant; Mr. Karmakar, learned APP for Respondent No.1– State and Mr. Bhalerao, learned Advocate for Respondent No.2.

2. Bail Application No.2071 of 2024 is filed by Applicant under Section 439 of Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.430 of 2023 registered with Trombay Police Station for offences punishable under Sections 376, 376(2)(n), 354, 506(2) and 500 of the Indian Penal Code, 1860 (for short ‘**IPC**’) and Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘**POCSO**’).

3. Interim Application No.400 of 2025 is filed by the Applicant seeking medical bail. Previous orders dated 10.01.2025, 22.01.2025 and 24.01.2025 record the details of the medical ailment of the Applicant before me.

4. Applicant is diagnosed with a case of oestoma i.e. bony growth and he has been advised to undergo excision / surgery of the growth as per the appointment which has been given by Sir. J.J. Group of Hospital, Mumbai on 30.01.2025. As a matter of fact the confirmation was sought from the Chief Medical Officer of Mumbai Central Prison where the Applicant has been lodged who has confirmed the appointment given by the said Hospital on 30.01.2025 for undergoing the said operation / surgery. Other medical papers of the Applicant are appended to the Bail Application.

5. Report dated 16.01.2025 filed by the Chief Medical Officer, Mumbai Central Prison, Mumbai has been taken on record and delineated in the previous order. In that view of the matter, Applicant is enlarged on temporary medical bail for undergoing the medical operation for a period of four (4) weeks from today.

6. Applicant shall surrender on 27th February 2025 to the Jail Authorities after undergoing the said operation / surgery. Temporary medical Bail is granted to Applicant on provisional cash bail of Rs.25,000/- with one or two sureties in the like amount as requested

by the learned Advocate for Applicant with a specific condition that he shall not enter the lane in which Respondent No.2 is residing during the period on which he is on temporary medical bail. I am informed that Applicant and the victim are both residing in the same vicinity but in separate lanes. Considering the indictment of the Applicant, Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with this evidence. Applicant shall not leave the jurisdiction of the police station where FIR is registered during his post surgery rehabilitation.

7. Applicant shall not approach the Respondent No.2 or any of her family members by any electronic devices like mobile phones etc.

8. Mr. Bhalerao, learned Advocate for Respondent No.2 would submit that mother of the Applicant has threatened the victim's family and therefore victim's mother has lodged an NC against the mother of the Applicant. Applicant as also his family members are warned by this Court not to indulge in any such act which would result in this Court considering the Application of Complainant / victim for cancellation of this order in that case.

9. Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within two days from his release from prison on temporary medical bail. It is directed that Applicant

shall extend complete cooperation in the investigation of the instant case, if called for by the Investigating Officer.

10. Considering the medical condition and the operation which is scheduled on 30.01.2025, a copy of this order shall be placed before the Dean of Sir. J.J. Group of Hospitals, Mumbai to ensure that Applicant undergoes the surgery on 30.01.2025. Thereafter Applicant is given time upto 27.02.2025 to undergo rehabilitation and thereafter surrender back to the Jail Authorities by 06:00 p.m. on 27th February 2025.

11. Interim Application No.400 of 2025 is allowed and disposed.

12. List the Bail Application on Board on **28th February 2025** for compliance.

[MILIND N. JADHAV, J.]

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