

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2071 OF 2024

Shafi Ahmed Abdul Samad Shaikh

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Ms. Aarti Kulkarni a/w. Ms. Archana Bhasare, Advocates i/by Jagtap Law Associates for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent No.1 – the State of Maharashtra.
- Mr. Akshay Bhalerao, Advocate for Respondent No.2.
- Mr. Nitin Palande, PSI, Trombay Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025

P.C.:

- 1.** Heard Ms. Kulkarni, learned Advocate for Applicant; Mr. Karmakar, learned APP for Respondent No.1 – the State of Maharashtra and Mr. Bhalerao, learned Advocate for Respondent No.2.
- 2.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking 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, 500, 504, 506(2) of 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 Act').
- 3.** Present Bail Application is pending. Ms. Kulkarni, learned Advocate for Applicant informs the Court that Applicant was granted

medical bail for a period of one month. She would submit that he is unable to pay for the surgery for removal of the cyst on his own as he cannot afford the same. She would therefore submit that Applicant has given her instructions that he is ready and willing to surrender to the jail authorities. Applicant is permitted to surrender to the jail authorities if he desires to do so.

4. Once Applicant surrenders to the jail authorities, the jail authorities are directed to take appropriate steps in accordance with law for his treatment and the medical ailment suffered by him by referring him to the concerned hospital.

5. Though Ms. Kulkarni would persuade the Court to allow the Applicant to remain outside and urge the Court to take up his Bail Application for hearing immediately. This practise of Advocates at the bar is deprecated by this Court. Applications are got listed for medical bail and instead of arguing grounds on medical bail, the Advocates are ingeniously devising methods to argue the matter on merits by jumping the queue. This is repeatedly noticed by Court.

6. Bail Application in the present case is pending. After Applicant surrenders let his Bail Application be heard on its own merits in accordance with law as per its turn. Registry to place the matter as per its turn.