

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

.....

- Mr. Rahul Jagtap a/w. Ms. Archana Bhasare and Ms. Aarti Kulkarni, Advocates i/by Jagtap Law for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent No.1.
- PSI – Nitin Palande, Trombay Police Station.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 23, 2025

P.C.:

1. Heard Mr. Jagtap, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent No.1.

2. Application is moved under the caption of ‘medical urgency’. Considering the background in the matter which is delineated from the order passed by this Court, Mr. Jagtap would make a request to the Court to hear present Application on merits of the matter to enable the Applicant to press his case for grant of bail.

3. One of the reasons which he has advanced in support of the above submissions is the fact that considering the medical ailment of Applicant, he would require appropriate surgery and post-surgery care, rehabilitation etc. in a specialised hospital and therefore the said request is made.

4. *Prima facie*, in so far as the aforesaid ground is concerned, it effectively means that Applicant desires to get his Application heard on merits. After having failed in his endeavor to get himself treated despite this Court having granted him bail in the month of January to undergo treatment as per his wish the Applicant did not take treatment and chose to surrender back so that he could receive treatment free of cost through the jail.

5. Now a grievance is expressed today that despite Applicant having been surrendered to the jail authorities for the past two months, he is only been given pain-killers and is suffering from medical ailment and he desires to take private treatment.

6. Mr. Jagtap would submit that Applicant is suffering from ongoing head pain, discomfort and hearing problem and requires specialised medical treatment and requires timely and proper parental care and medical support from his family for speedy recovery.

7. In the praecipe dated 21.04.2025 filed through Advocate – Jagtap Law Associates, it is stated that jail authorities have provided medical attention but because of the above problems suffered by Applicant he requires specialised medical treatment and therefore a request is made to the Court to hear the present Application on out of turn basis for grant of regular bail.

8. I have perused the record of case and orders passed by this

Court in the present case. *Prima facie*, I am of the opinion that Application which is filed by praecipe dated 21.04.2025 is nothing but ingenious method and way of getting the present matter heard on out of turn basis which will not be permitted by this Court. The Application through praecipe is outrightly rejected.

9. Needless to state that prosecution shall ensure that since Applicant is suffering from a medical ailment, he shall be given appropriate and timely medical treatment in the jail hospital and / or by referring him to State / Municipal hospital, if so required.

10. List the Application according to its turn as per the present roster and the dates which are assigned by this Court. The matter is directed to be listed on **02nd July, 2025**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT
Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2025.04.23
18:54:52 +0530