

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

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 No.1 – State of Maharashtra.
- Mr. Nitin Palande, PSI, Trombay Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 22, 2025

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Ms. Shah, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent No.1 -State of Maharashtra.
- 3.** 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, 504, 506(2), 500 of Indian Penal Code, 1860 and Sections 4, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO').
- 4.** Pursuant to order dated 10.01.2025 passed by this Court, the Chief Medical Officer of Mumbai Central Prison, Mumbai has filed a

detailed report dated 16.01.2025 before me. Appended to that report is Applicant's entire medical report and history. It is opined by the Chief Medical Officer of the Mumbai Central Prison that as delineated in previous order Applicant was given appropriate treatment and recommended for a check up to the Sir J. J. Hospital for the medical ailment suffered by him, *inter alia*, pertaining to substantial pain due to swelling over the right parietal region of skull.

5. Report clearly opines that Applicant is diagnosed as a case of oestoma i.e. bony growth and he has been advised to undergo excision of the said oestoma as per appointment given by Sir J. J. Hospital on 30.01.2025. Report confirms the fact that Applicant has been referred to Sir JJ Hospital on multiple occasions in the past and his last visit as noted by Court was on 21.12.2024.

6. Though report states that his current health condition is good and stable but it also states that there is occasional pain at site of swelling. That apart, it is seen from the report that in view of the limited medical facility available in the prison hospital, the aforesaid surgery which was informed by jail authorities to relative of Applicant will have to be conducted in Sir J. J. Hospital on the appointed date.

7. Since an oral Application was made by Ms. Shah through praecipe which was immediately taken up for hearing on 10.01.2025, Ms. Shah is directed to file an Application seeking medical bail as per

the request so that appropriate orders can be passed in order to ensure that the surgery of the Applicant is carried out forthwith and he does not suffer ignominy. Let the Application be filed within a period of two days.

8. List this Bail Application alongwith the Application, if any, which shall be filed by Applicant on **24th January, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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