

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2805 OF 2024

Shahraj Ali @ Sonu Irshad Ali Sayyed .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Prabhakar Tripathi a/w. Mr. Shubham Upadhyay and Mr. Avdhesh Pandey, Advocates for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent.
 - API – Chaskar, Turbhe Police Station, Navi Mumbai.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 16, 2025

P.C.:

1. Heard Mr. Tripathi, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. Application is moved for grant of bail due to some serious medical condition suffered by Applicant. According to Mr. Tripathi, said medical condition with which he is diagnosed is known as “Hypo Echoic Lesion with debris and echoes with antero-lateral aspect of proximal”.

3. *Prima facie*, this Court is unable to understand the said medical condition as stated in the praecipe filed by the Advocate for Applicant.

4. Mr. Tripathi has placed before me one report of Ultrasound Soft Tissue issued by Dr. Nikhil Farkade, MBBS, DMRE, Consultant

Radiologist of General Hospital Vashi which is dated 12.03.2025 which notes the above medical condition. Applicant was arrested on 24.08.2023 and it is seen that he is in custody for offences punishable under Sections 366A, 370(1)(4), 372 of the Indian Penal Code, 1860 and Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

5. *Prima facie*, when cause title of Application is perused it is seen that Applicant has not impleaded the victim as Respondent in the present Application. Mr. Tripathi would submit that there is one victim involved in the present case and she is daughter of the co-accused who has been granted bail by order dated 03.07.2024.

6. Present Application is filed on 01.07.2024 by Applicant thereafter. Be that as it may, Court's intervention for bail is sought due to serious medical condition suffered by Applicant. Hence following directions are passed for compliance:-

- (i) Learned APP shall obtain an appropriate report from the Chief Medical Officer of Taloja Central Prison Hospital where Applicant is presently lodged with respect to the medical condition / ailment described in the present order hereinabove alongwith all such other necessary details of his present health condition, status and treatment to enable the Court to consider case of Applicant for hearing of bail Application on medical

grounds.

- (ii) Advocate for Applicant is directed to implead the victim as a party to the present Application through the concerned Police Station and thereafter serve a copy of the Application on the Investigating Officer. The concerned Investigating Officer shall serve the Application on Respondent No.2 and obtain her consent and accordingly apprise the same to the Court, if she requires assistance of legal aid to represent and espouse her cause. The above necessary amendment is permitted to be carried out within a period of one week from today. Re-verification stands dispensed with.

7. All above directions shall be complied with within a period of one week from today so as to enable this Court to consider the present Application further.

8. Stand over to **23rd April, 2025**. To be placed under the caption '**For Directions and compliance**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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