

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4473 OF 2024

Rahul Krupashankar Dubey	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO. 4531 OF 2024

Anurag Ganeshdatta Pandey	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Mihir Desai, Senior Advocate a/w Mr. Shailendra Singh, Mr. Prabhat Dubey, Mr. Prachish Shukla, Mr. Aman Singh, Ms. Arusha Mishra & Ms. Nikita Pandey, Advocates for Applicant in BA 4473/24
 - Mr. Abhinav J. Dubey, Advocate for Applicant in BA 4531/24
 - Mr. Hitendra J. Dedhia, APP for Respondent - State

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P. C.:

1. Heard Mr. Desai, learned Senior Advocate for Applicant in Bail Application No. 4473/24; Mr. Dubey, learned Advocate for Applicant in Bail Application No. 4531/24 and Dedhia, learned APP for Respondent - State.

2. This is a group of two Bail Applications which are listed under the caption "*Medical Urgency*". Application for medical urgency is moved by Applicant in BA 4473/24. Mr. Desai, learned Senior

Advocate enters appearance for Applicant in BA 4473/24. He would submit that medical ailments and details of Applicant have been stated at Sr. No. 15 of the praecipe which I have perused. One of the submissions made by him is that due to long incarceration of the Applicant in prison. He would submit that medical ailments suffered by Applicant deserve immediate consideration failing which condition of Applicant will deteriorate further. Hence he would request the Court to get the Applicant examined in order to ascertain his health condition. That apart, he would also persuade the Court to consider the date of his arrest i.e. 16.04.2022 in the present case and charge not having been framed as one of the ground for releasing him on bail.

3. Insofar as Bail Application No. 4531/24 is concerned, Mr. Dubey would submit that this Bail Application is tagged with Bail Application No. 4473/24 because both the Applicants are co-accused in the same crime. He would persuade the Court to consider that 6 out of 10 co-accused have already been enlarged on bail and insofar as present Applicant as also Applicant in BA 4531/24 is concerned, their role is not precisely defined in commission of crime. Mr. Dubey would fairly inform the Court that according to prosecution case, the only role attributed to Applicant whom he represents is about harbouring the assailants and nothing more than that. He would submit that Applicant has been suffering incarceration for the past more than 3

years pending trial and there is no possibility of the trial being completed in the near foreseeable future. He would therefore persuade the Court to consider hearing of the Bail Application forthwith.

4. In view of the aforesaid submissions made by Mr. Desai and Mr. Dubey, *prima facie* case is made out for hearing of both the Bail Applications on merits for which appropriate date will have to be fixed after confirming the medical condition.

5. Insofar as Bail Application No. 4473/24 is concerned, Chief Medical Officer of Thane Central Prison is directed by Court to immediately refer the Applicant to a Civil Hospital and obtain appropriate medical report and place the same before the Court on the next adjourned date.

6. List both the Bail Applications on board on **9th May, 2025**. To be placed under the caption "**for Directions**".