

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2782 OF 2025

Mr. Hari Sitaram Gaikar ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Sameer D. Hatle a/w Mr. Amit Mishra, Advocate for the Applicant.
Mr. Shailesh S. Kharat appointed Advocate for Respondent No.2.
Dr. A. A. Takalkar, APP for Respondent/State.
Mr. Sachin Patil-API, Panvel Taluka Police Station, Navi Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 29th JULY, 2025.

P.C. :

1. Heard Mr. Sameer Hatle, learned Advocate for the Applicant, Mr. Shailesh Kharat, learned Advocate for Respondent No.2 and Dr. A. A. Takalkar, learned APP for the Respondent-State.

2. By the present Application, Applicant is seeking Bail in Crime No. 23 of 2025 dated 29th January, 2025 registered with Panvel Taluka Police Station, Panvel for the offences punishable under Sections 65(2), 74 & 131 of the Bhartiya Nyaya Sanhita, 2023 along with Sections 4, 8 & 12 of the POCSO Act.

3. On 24th July, 2025 this Court made the following order:-

1. Heard Mr. Sameer Hatle, learned Advocate for the Applicant and Dr. Ashvini Takalkar, learned A.P.P. for the State/Respondent.

2. Notice was issued to Respondent No. 2 on 16th July 2025.

3. Dr. Ashvini Takalkar, learned A.P.P. for the State/Respondent submits that Respondent No. 2 is served and a request is received from her seeking appointment of an Advocate from the Legal-aid Panel to represent her.

4. In view of the request made by Respondent No. 2 for legal assistance, Mr. Shailesh Kharat, learned Advocate on the Legal-aid Panel of this Court, who is present in the Court, is requested to represent Respondent No. 2.

5. At the request of the Court, Mr. Shailesh Kharat, learned Advocate has agreed to appear and represent the Complainant/Respondent No. 2 in the present Bail Application.

6. Dr. Ashvini Takalkar, learned A.P.P. is requested to communicate Respondent No. 2 about the appointment of Mr. Shailesh Kharat, learned Advocate, as her lawyer to represent her in the present Bail Application. Maharashtra Legal-aid Committee to take a note of appointment of Mr. Shailesh Kharat, learned Advocate, under the Legal-aid Scheme to represent Respondent No. 2 in the present Bail Application.

7. Mr. Sameer Hatle, learned Advocate for the Applicant assures the Court to furnish a copy of the entire paper-book of the present Bail Application to Mr. Shailesh Kharat, learned Appointed Advocate by end of the day.

8. Mr. Sameer Hatle, learned Advocate submits that the Applicant requires urgent medical attention. He submits that the Applicant is intending to take private treatment at his cost. He therefore expresses urgency in the matter. However, Mr. Shailesh Kharat, learned Appointed Advocate seeks some time to prepare in the matter.

9. At the request of Mr. Shailesh Kharat, learned Appointed Advocate and by consent of the parties, list the matter on 28th July 2025.

4. Mr. Sameer Hatle, learned Advocate for the Applicant, submits that the Applicant by the present Application is seeking interim bail for a limited period commencing from 1st August, 2025 up to 16th August, 2025, for the purpose of availing medical treatment. He tenders

praecipe dated 29th July, 2025, same is taken on record and marked 'X' for identification. Contents of transcribed herein below:-

"The Period of the Treatment (Date of Commencement and Completion)- 1^a August 2025 till 15th August, 2025.

The Name of Hospital and Consulting Doctor - Madhavbaug Hospital, Taluka: Khalapur & Dr. Jadhav (HOD of Madhavbaug Hospital)

The Nature of Treatment- Panchakarma Ayurvedic Treatment alternative for Heart Surgery

The Treatment Expense details- The Expense of the said treatment will be incurred by the Applicant at his own cost.

The Escort Charges- The Applicant is ready for bear the escort charges for the said treatment

That, the Applicant also undertakes to remain in the said hospital throughout the abovesaid period of 15 days.

That, the Applicant also undertakes to furnish the medical reports on a monthly basis to the concerned Panvel Taluka Police Station for updating his health status.

That, the Applicant undertakes that, no such act of tampering or pressurizing the witnesses will be committed at his instance during the abovesaid period of release."

5. Dr. A. A. Takalkar, learned APP for the State, has produced on record a medical report of the Applicant with the covering letter dated 22nd July, 2025, which copies are taken on record and marked 'X' colly for identification.

6. Dr. A. A. Takalkar, learned APP for the State and Mr. Shailesh Kharat, learned Advocate for Respondent No.2 are served with a copy of the praecipe dated 29th July, 2025.

7. Dr. A. A. Takalkar, submits that in the event the Applicant is agreeable to bear the entire cost of the treatment, avail the treatment at Applicant's own risk and further pay the escort charges in advance, the prosecution would not object to the grant of interim bail for the limited period.

8. Mr. Sameer Hatle, learned Advocate for the Applicant, states that the praecipe dated 27th July, 2025 is filed on the basis of instructions of the Applicant. He further states the Applicant shall bare the entire cost of his treatment as also the escort charges for the period 1st August, 2025 up to 16th August, 2025.

9. Fact of the Applicant having heart blockages and the Applicant requiring treatment for the said ailment are not in dispute. The question is which hospital the said treatment is to be taken. Dr. A. A. Takalkar, learned APP has submitted that the Government would provide treatment to the Applicant at Sir J. J. Hospital, Mumbai at the cost of the Government. She submits that in the event the Applicant wants to take Ayurvedic treatment, then the Government has shown willingness to make the said treatment available to the Applicant at Podar Hospital, Worli at the cost of the Government.

10. Mr. Sameer Hatle, on instructions of the Applicant, has declined the said offer of the Government and has reiterated the statement of the Applicant that the Applicant intends to take medical treatment of his choice of Hospital / Doctors and at his risk and costs.

11. In view of the above and statements made by Mr. Sameer Hatle, learned Advocate for Applicant, the Applicant for the purpose of

availing medical treatment, is granted interim bail for the limited period commencing from 1st August, 2025 up to 16th August, 2025.

12. Mr. Sameer Hatle states that the Applicant shall surrender to the jail authorities before 5.00 p.m. on 16th August, 2025. Statement is accepted.

13. In view of the above, the Bail Application is allowed on the following terms :-

(a) Applicant shall be released on bail for a limited period from 1st August, 2025 upto 5.00 p.m. of 16th August, 2025, upon furnishing P.R. Bond in the sum of Rs. 25,000/- with cash sureties of the like amount.

(b) During the bail period (1st August, 2025 upto 16th August, 2025), the Applicant shall be at Madhavbaug Hospital, Taluka Khalapur.

(c) Entire costs / expenses of the medical treatment shall be borne by the Applicant.

(d) Applicant shall pay the escort charges for the period (1st August, 2025 upto 16th August, 2025). Entire costs for the escort charges shall be deposited by the Applicant in advance with the competent authority. Amount towards escort charges and the other details shall be furnished to the Applicant by the Investigation Officer by 30th July, 2025.

(e) Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.

14. In view of the above, Criminal Bail Application No. 2782 of 2025 is disposed of in the above said terms.

(ASHWIN D. BHOBE, J.)

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date: 2025.07.29
21:15:31 +0530