

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

**INTERVENTION APPLICATION NO. 3931 OF 2025
IN
CRIMINAL APPEAL NO. 469 OF 2022**

Prakash Baburao Ozha ... Applicants.
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Jayant Bardeskar, for the Applicants.
Smt. A. A. Deshmukh, A.P.P. for the Respondent- State.
Mr. Firoz Shaikh, PSI, Sahakar Nagar Police Station, Pune.

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**CORAM : RANJITSINHA RAJA BHONSALE, J.
(VACATION COURT)**

DATE : 30th OCTOBER 2025

PC.:-

1. Heard Advocates of the parties.
2. The Applicant has preferred this Criminal Interim Application seeking release on temporary bail as the Applicant's mother is in a very serious condition i.e. suffering from Liver cirrhosis. The Applicant has been convicted by an Order/Judgment dated 15th February, 2025 by the learned Additional Sessions Judge, Pune in Special (Child) Case No.445 of 2019 for the offence punishable under Section 376(AB), 342, 506 of the Indian Penal Code and Section 5(m), 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment

for 20 years and to pay fine of Rs.10,000/-, in default of payment of fine to suffer further Rigorous Imprisonment of 1 year.

3. The present Interim Application was listed on 22nd October, 2025. On the submission of the learned Counsel for the Applicant that, the medical condition of the Applicant's mother is very critical and that, she is suffering from Liver cirrhosis, Mr. Firoz Shaikh, PSI, Sahakar Nagar Police Station is present in Court. He was interalia directed to verify the medical condition of the Applicant's mother.

4. This present Interim Application was adjourned to 3rd November, 2025. The application was again circulated on 27th October, 2025 and circulation was granted on 28th October, 2025. The application, was moved by praecipe dated 27th October, 2025, on the ground that, the health of the applicant's mother had deteriorated to an extreme situation. By an order dated 28th October, 2025, matter was directed to be placed before this Court on 30th October, 2025.

5. Learned APP submits the report dated 23rd October, 2025 of Dr. Rutuja of the Surya Sahyadri Hospital, Pune. Learned Advocate for the Applicant submits that, the mother of the Applicant suffering from Liver cirrhosis and admitted to Surya Sahyadri Hospital with gross ascites, 2-3 episodes of hemostetis (varical bleeding), Malina (bleeding in faecal indicating acute or chronic liver disease (Liver cirrhosis). He submits that, there is rise in ammonia levels due to which, Applicant's mother is in stage

encephalopathy. That, at present she is been feed with ryle's tube (R. T.) and is on a liquid diet. She is on oxygen support too.

6. When this Court was not inclined to grant any relief in terms of prayer clause (a), the learned Advocate for the Applicant prays that, the Applicant atleast be allowed to visit his mother on one occasion, whilst in custody under police escort, as per the applicable rules. He further prays that, Applicant is willing to pay the expenses and cost of the journey of both ways. I have considered the report dated 23rd October, 2025. The report dated 23rd October, 2025 is taken on record and marked as X-1.

7. Learned APP confirms that, the Investigating Officer has verified the condition of the Applicant's mother. Learned APP, on instructions of PSI Firoz Shaikh submitted that, he visited the hospital and has verified the fact that, the mother of the Applicant is critically ill. Taking into consideration the submissions made and the report dated 23rd October, 2025, the following order is passed.

ORDER

1. The Yerwada Central Prison authority is directed to take the Applicant in police escort and in their custody, to visit applicant's mother at Surya Sahyadri Hospital, Add. : 1317, Kasba Peth, Pune – 411011, on 31st October, 2025 in between 11.00 am to 2.00 pm. The escort shall be in civil dress and accompanying the Applicant at all time till the Applicant brought back to Yerwada Central Prison.

2. Yerwada Central Prison Authority is directed to ensure that the Applicant is directly taken from the Yerwada Central Prison to the Surya Sahyadri Hospital and brought back directly from the Surya Sahyadri Hospital from the Yerwada Central Prison.
3. The Applicant will deposit/pay in advance the expenses of escort as required and as directed by the Yerwada Central Prison Authority.
4. The Applicant shall be brought back to the Yerwada Central Prison on or before 3.00 pm on 31st October, 2025.
5. Parties to act upon the authenticated copy of the order
6. Stand over to 3rd November, 2025.

(RANJITSINHA RAJA BHONSALE, J.)