IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.653 OF 2026
IN
CRIMINAL BAIL APPLICATION NO.673 OF 2026

Jitendra Mahadev Yadav ....Applicant
Versus
The State Of Maharashtra and Ors. ....Respondents

Mr. Ishaan Kapse a/w Mr. Tejas Patil, for Applicant.

Mr. S. S. Chaudhari, A.P.P., for the Respondents - State.

API, Mr. S. R. Patil, EOW, Sangli, present.

Mr. Shridhar H. Kumbhar, Liaison Officer Prison, Sangli, present.

SHANTANU SHANKARSA DHUDUM
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Date: 2026.10.15 10:41:32 +0530

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th OCTOBER, 2026.

Oral Order:-

1. Heard Mr. Ishaan Kapse, learned Advocate for the Applicant and Mr. S. S. Chaudhari, learned A.P.P., for Respondents – State.

2. By the present Interim Application, the Applicant seeks interim medical bail. Prayer Clause “B” of the Application is reproduced verbatim:

> *“B. Release Mr. Jitendra Mahadev yadav on temporary bail for a period of Six(06) months, or for such other period as this Hon’ble Court may deem fit, to enable him to obtain*

specialist cardiac consultation, undergo the requisite pre-operative evaluation and treatment, receive the recommended CABG surgery and obtain the necessary post-operative treatment and recovery care, subject to medical advice and such conditions as this Hon'ble Court may impose;"

3. Mr. Ishaan Kapse, learned Advocate for the Applicant, by referring to paragraphs 3, 4, 5 and 6 of the Application, submits that the Applicant is suffering from "Triple Vessel Coronary Artery Disease". He states that the Applicant is presently admitted to R.C.S.M.G.M.C. and C.P.R. General Hospital, Kolhapur, and is undergoing treatment for the said ailment. He further submits that the Applicant is facing a serious medical emergency on account of his cardiac condition and is presently in the I.C.U. He states that, upon examination, the Doctor has advised the Applicant to undergo a Coronary Artery Bypass Grafting (CABG) procedure, which needs to be performed urgently.

4. Mr. Ishaan Kapse, learned Advocate for the Applicant, submits that as the Applicant is not in a position to file an affidavit, his wife Deepali Jitendra Yadav on his behalf has affirmed an undertaking-cum-affidavit dated 14th October 2026 before Notary Shraddha Dilipkumar Patil, setting out the timeline and procedure the Applicant is required to follow for the cardiac surgery. He tenders the Undertaking-cum-Affidavit dated 14th

October 2026, which is taken on record and marked with **"X"** for identification. The contents of the Undertaking-cum-Affidavit dated 14th October 2026 ("X"), are reproduced verbatim hereinbelow:

> *"I, Mrs. Deepali Jitendra Yadav, Age: 43 years, resident of Village Benewadi, Walwa, Sangli do state and undertake as follows:*
>
> *i. That I am the wife and primary caretaker of the original applicant i.e. Jitendra Mahadev Yadav.*
>
> *ii. My husband is currently admitted at CPR Hospital, Kolhapur due to an cardiac attack he suffered on 08.10.2026. On further examination it was found that he suffers from several blockages in the heart. The doctors at CPR Hospital, Kolhapur have suggested that he undergo a Coronary Artery Bypass Grafting (CABG) procedure. The same is an open heart surgery the postop care for the same is lengthy and the any person undergoing the said procedure is under constant threat to other infections and postop complications. Such kind of intensive postop care and constant follow-ups will be better handled at the comfort of home under my supervision.*
>
> *iii. I would also like to take a second opinion of another doctor immediately and decide the next step for treatment. However, an immediate surgery will have to be held to remove/bypass the blockages in his heart.*
>
> *iv. The estimate time line that is to be followed is as under:*
>
> *a. Surgery in the coming week – On or before 25.10.2026.*

b. Post-op care period- Usually 2 weeks- On or before 08.11.2026.

c. Post-op checks and recovery- Usually 12 weeks- On or before 31.01.2027.

d. Additional time for recovery and care as this Hon'ble Court deems fit.

v. I undertake to this Hon'ble Court, to the Ld. Public Prosecutor and the Concerned Investigation Officer that I will not take my husband outside the territory of Kolhapur District, Sangli District and Satara District. He will only travel fro medical purposes and not for any other purposes. If at all need comes for him to travel outside of the said three districts, I will take permission of this Hon'ble Court.

vi. I undertake this Hon'ble Court, to the Ld. Public Prosecutor and the Concerned Investigation Officer that he will surrender back to the concerned jail authorities as per the time line prescribed by this Hon'ble Court and also undertake to abide by any other conditions put forth by this Hon'ble Court."

5. Deepali Jitendra Yadav who is present in Court and identified by Mr. Ishaan Kapse, learned Advocate for the Applicant, states that the contents of the Undertaking-cum-Affidavit dated 14th October 2026 ("X") are as per her say and true to her knowledge.

6. Mr. Ishaan Kapse, learned Advocate for the Applicant, therefore seeks interim medical bail for the Applicant, commencing at the earliest and continuing until 31st January 2027.

7. Mr. S. S. Chaudhari, learned A.P.P. for the Respondents–State, on instructions from the Investigating Officer, who is investigating Crime No. 300 of 2025 registered at Islampur Police Station, District Sangli, submits that the Applicant has been admitted to the hospital and is undergoing treatment for his cardiac condition. He further on instructions from the Investigating Officer, submits that in view of the treatment referred to in the Undertaking-cum-Affidavit dated 14th October 2026, the Investigating Officer does not oppose the grant of interim medical bail for a limited period commencing on 15th October 2026 and ending on 31st January 2027, subject to the Applicant abiding by the undertaking given by his wife Deepali Jitendra Yadav.

8. Mr. Ishaan Kapse, learned Advocate for the Applicant, submits that, as the Applicant is presently in the I.C.U., his wife has furnished the Undertaking-cum-Affidavit dated 14th October 2026 (“X”), which is binding upon the Applicant and his wife. He, therefore, requests that the said undertaking be accepted as an undertaking to this Court. In view of the statement made by Mr. Ishaan Kapse, learned Advocate for the Applicant, the undertaking dated 14th October 2026, marked as “X”, is accepted as an undertaking to this Court.

9. Considering the peculiar facts of this case, the need for urgent medical attention to the Applicant as referred to in this Interim

Application, undertaking dated 14th October 2026, marked as "X" and the submissions made by the parties, indulgence is due to the Applicant.

10. In view of the above, the Applicant is granted interim medical bail on the following terms and conditions:

ORDER

A) The Applicant - Jitendra Mahadev Yadav, shall be released on interim medical bail in Crime No.300 of 2025 registered at Islampur Police Station, District Sangli, upon execution of a P.R. Bond in the sum of Rs. 25,000 (Rupees Twenty Five Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Additional Session Judge, Islampur in Sessions Case No.04 of 2026.

B) The period of interim medical bail shall commence on 15th October 2026 and shall end on 31st January 2027.

C) The Applicant shall avail the interim medical bail period solely for the medical treatment stated in the undertaking dated 14th October 2026, marked as "X" and for no other purpose.

D) The Applicant shall surrender before the Jail Authorities at Sangli District Prison on or before 4:00 p.m. on 1st February 2027.

E) The Applicant shall not travel outside the territorial limits of Kolhapur District, Sangli District and Satara District.

F) If the Applicant is required to travel outside the territorial limits of Kolhapur District, Sangli District and Satara District for medical treatment, the Applicant shall seek prior permission from the Trial Court before which Special Case No. 04 of 2026 is being tried, namely, the Sessions Court at Islampur.

G) Within three (3) days from today, the Applicant shall furnish to the Investigating Officer his detailed address and the particulars of the hospital where he would be residing or receiving treatment during the period of interim medical bail. The Applicant shall also furnish his contact number and WhatsApp number, along with the contact number and WhatsApp number of his wife, Deepali Jitendra Yadav, to the Investigating Officer within the same period

H) The Applicant shall surrender his passport, if any, to the Investigating Officer within three days from today.

I) The Applicant shall not directly or indirectly make any inducement, threat or promise to the Intervenor or any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

J) The Applicant shall not tamper with the evidence in any manner.

K) The Applicant shall report his surrender to the Jail Authorities before this Court on 1st February 2027.

11. This interim medical bail is granted purely on humanitarian grounds, having regard to the Applicant's present medical condition. This order shall not be cited while arguing for regular bail.

12. Criminal Interim Application No.653 of 2026 is disposed of accordingly.

13. List this Application on 2nd January 2027 under the caption for "compliance".

(ASHWIN D. BHOBE, J.)