IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3287 OF 2026
IN
CRIMINAL APPEAL (STAMP) NO.10501 OF 2026

Jakir @ Zakir Hussain Sabir Ali Shaikh .....Applicant
Versus
The State of Maharashtra .....Respondent

Mr. Mateen Shaikh, Advocate a/w. Muskan Shaikh, Hassan Siddiqui, Firas Shaikh, Ammar Khan, for the Applicant.

Ms. Gauri Rao, APP for the Respondent-State.

ASI Manedra Chavan a/w. HC Satyawan Lad, ATS kalachowky are present in Court.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 06th OCTOBER, 2026

P.C. :

1. This is an Application for directions to release the Applicant on bail on medical grounds for a period of three months in Special Case No.274/2022 pending before the learned Special Court (UAPA, NIA, MCOCA) at City Civil and Sessions Court, Mumbai arising out of C.R. No.18/2021 registered with Anti-Terrorism Squad (ATS) Police Station, Mumbai.

2. Heard Mr. Mateen Shaikh, the learned counsel for the Applicant and Ms. Gauri Rao, the learned APP for the Respondent-State.

3. The Applicant has preferred a separate Appeal being Criminal Appeal (Stamp) No.10501/2026. There is a delay in preferring that Appeal. An Application for condonation of delay vide Interim Application No.1698/2026 is preferred by the Applicant. These proceedings are still pending. During pendency of those proceedings, the present Application is filed for his temporary release on bail on medical grounds.

4. The Applicant was arrested on 18.9.2021. Till today the charges are not framed. The trial is not likely to start within a reasonable period. Since the Applicant's prayer for bail in the aforesaid Appeal is pending, we are not making any comment on the merits of the Appeal.

5. We have considered this Application purely on humanitarian grounds. We had called for the medical report regarding the health status of the Applicant. The Medical Officer of Taloja Central Prison has tendered a report dated 6.10.2026.

It is taken on record and marked 'X' for identification. The report mentions that the Applicant has complaint of pain in the lower back, he is unable to sit, stand and walk. There is tingling sensation in the legs with complaints of numbness. The clinical diagnosis revealed that there was L4-L5 prolapsed intervertebral disc and there is compression on spinal cord; that is affecting the functions of lower part of the body i.e. pain, tingling sensation, numbness and weakness as per severity of compression on spinal cord. He was admitted at J.J. Hospital between 21.7.2026 to 6.9.2026. He underwent surgery on 17.8.2026 of L4-L5 Transformational Lumbar Interbody Fusion (TILF) under general anesthesia. The injured disc was removed from the lower spine and a small cage filled with bone graft material was put into the empty space and it has been stabilized with metal screws and rods.

6. The report further mentions the Applicant's present health status. He was referred for Neurosurgery follow up on 1.10.2026. The Neurosurgery Department examined him and advised admission as indoor patient for further required investigations and surgical management. The Applicant declined

to undergo that procedure. At present, the Applicant is admitted in the prison hospital as indoor patient. He is bed-ridden. He is not able to stand or walk. One assistant is provided to him for his daily routine work and cleaning. His vital parameters are within normal limits.

7. The learned counsel for the Applicant submitted that the Applicant is unable to perform his basic daily routine bodily functions. He is unable to even sit. He is completely bed-ridden.

8. The situation of the Applicant is undisputed. Therefore purely on humanitarian ground, we are inclined to allow this Application.

9. Hence, the following order:

:: O R D E R ::

i. The Applicant Jakir @ Zakir Hussain Sabir Ali Shaikh is directed to be released on bail for a period of three months from his actual release, on his executing a PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousands Only) with one or two sureties in the like amount.

ii. Before being released, the Applicant shall deposit his passport, if any, with the investigating agency. He shall furnish his contact numbers and address where he would be residing during this period. This information shall be furnished to the Investigating Officer before being released .

iii. The Applicant, through his family members, shall inform the Investigating Officer regarding the medical treatment which the Applicant would be taking during this period.

iv. The Applicant shall permit the investigating agency to visit the Applicant whenever they feel it is necessary.

v. Interim Application is disposed of accordingly.

(RANJITSINHA RAJA BHONSALE, J.) **(SARANG V. KOTWAL, J.)**

Deshmane (PS)

PRADIPKUMAR PRAKASHRAO DESHMANE

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Date: 2026.10.07 18:24:13 +0530