

Prasad

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1091 OF 2026
IN
CRIMINAL BAIL APPLICATION NO.. 3199 OF 2025**

Mohammad Fahim Salim Shaikh	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Sherali Khan, for the Applicant.
Mr. Hitendra J. Dedhia, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 08th MAY, 2026.

PC:-

1. Mentioned out of turn.
2. Applicant is seeking continuation of medical bail granted by order dated 12th November, 2025. Heard counsel for applicant and Learned APP. Perused reports and medical papers placed on record.
3. On the previous date of hearing, after hearing learned counsel for the Applicant a report was called from Nair Hospital with regard to status of health and fitness of the Applicant to be sent to jail or otherwise. The report is received from Assistant Professor, Department of Cardiology indicating that the applicant is fit Cardiologically.

4. Learned counsel for the Applicant submits that irrespective of the said report the Applicant is required to undergo certain tests in the hospital. He, on instructions, makes a statement that the Applicant would surrender himself to the Jail Authorities within a period of three weeks from today.

5. Learned APP opposes extension of medical bail on the ground that the Applicant is fit from cardiology point of view as per the report of the doctor. Insofar as the follow-up to be taken of Nair Hospital is concerned, he, on instructions, makes a statement that the Applicant would be taken to the Nair Hospital for follow-up as per medical requirements and instructions of medical officer of Hospital.

6. It is matter of records that an order came to be passed on 12th November, 2025 by this Court granting temporary medical bail to the applicant in Bail Application No. 3199 of 2025. The bail was sought to be extended for two months on the ground that the applicant underwent Bypass Surgery on 08th January, 2026 and was required bed rest to recover. An application being Interim Application No. 362 of 2026 was moved seeking extension of the said medical bail for the period of two months. This Court extended the said bail for a period of two months and directed applicant to surrender to the Mumbai Central Jail, without fail.

7. Present application is for further extension of bail for further period of two months. The report submitted by medical officer of Nair Hospital does indicate that the applicant is fit from Cardiology point. The statement recorded of medical officer indicates that on 13th April, 2026, applicant was discharged from

hospital and was advised four weeks rest. He however, did not go to the hospital thereafter. Moreover there is nothing on record to show that applicant requires hospitalization or any special medical care.

8. It is pertinent to note that after considering the medical condition bail was granted on 12th November, 2025 and thereafter it was extended for a period of two months. Since the reason and purpose for which bail is granted does not exist, question of extension thereof does not arise. It is necessary to note that applicant is charged after offence under NDPS Act, which provides for stringent conditions for grant of bail. In such circumstances unless case is made out that applicant cannot be sent back to jail, such order of medical bail, which is not on merit, cannot be extended.

9. The statement made by learned prosecutor would take care of the requirement of the applicant to be taken to hospital as and when necessary. The medical bail cannot be permitted to be extended except for medical exigency. Hence, this Court finds no substance in the application.

10. Hence, no order of extension of bail is called for.

11. Interim Application stands dismissed.

(R. M. JOSHI, J.)