

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 19534 of 2023
(FOR TEMPORARY BAIL)**=====
NIKHIL @ NIKUNJ RAMESHBHAI DONGA

Versus

STATE OF GUJARAT
=====

Appearance:

MR A A ZABUAWALA(6823) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1-2
=====**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI****Date : 27/10/2023****ORAL ORDER**

1. By way of the present application, the applicant has prayed to release him on temporary bail on the ground of his own medical treatment as he is suffering from tumor in his mouth. In support of it, necessary documents are produced on record.
2. Learned advocate, Mr. Bharda submitted that the applicant is having tumor in his mouth and condition of the applicant is not good and, hence, he is required to be taken care by the private doctor because in the civil hospital, there is no proper treatment equipment. It is submitted that earlier also, the applicant was granted temporary bail for a period of four days by the Coordinate Bench of this Court by an order dated 22.09.2023 passed in Criminal Misc. Application No.15783/2023 and during that period, he was undergone Buccal biopsy and, thereafter, surrendered before the jail authority on completion of said period. It

- is, therefore, urged that considering the facts of the case, the present application may be allowed.
3. On the other hand, learned APP has opposed this application as the applicant is involved in serious offence. It is, however, submitted that appropriate order may be passed imposing strict conditions considering the reasons mentioned by the applicant.
 4. I have heard learned advocates appearing for the parties and have also perused the documents produced along with the application as well as considered the averments made in this application. It is found out from the record that recently by an order dated 22.09.2023 passed in Criminal Misc. Application No.15783/2023, the applicant was granted temporary bail in respect of his medical treatment and on completion of it, he has surrendered in time. Therefore considering the grounds mentioned and the averments made in the application, the present application deserves to be allowed.
 5. Therefore, the present application stands allowed partly. The applicant is ordered to be released on temporary bail for a period of **4 (Four) Days** from the date of his actual release, on executing personal bond of Rs.5,000/- (Rupees Five Thousand) before the Jail authority with police surveillance at the cost of the applicant and on usual terms and conditions as may be imposed by the Jail Authority.

6. The applicant shall surrender before Jail Authority on completion of temporary bail, without fail.
7. The present application stands allowed to the aforesaid extent. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam