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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3814 OF 2022**

Asagarali Bahadur Khan

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Angad R. More for the Applicant.

Mr. Y. Y. Dabke APP for the Respondent-State.

CORAM : S. M. MODAK, J.

**DATED : 31ST MAY 2023
(VACATION COURT)**

P. C. :

1. Heard learned Advocate for the Applicant and learned APP Mr.Dabke for the Respondent-State.

2. Bail is asked on two grounds, one is medical ailment and the second, on merits.

3. After hearing both sides, when this Court is not inclined to grant bail on merits, learned Advocate for the Applicant seeks liberty to withdraw the Bail Application.

4. Bail Application is disposed of as withdrawn.

5. It is true that there are documents which suggest that operation is performed on the Applicant. There was complex fracture

of maxillary, orbital arch and nygomatic process. Certificate is issued by Shree Swami Krupa Multispeciality hospital, Goveli, Taluka Kalyan. The operation was performed prior to arrest of the Applicant. There are certain plates inserted. Now, the report is submitted by the Superintendent of Jail, Kalyan prison dated 15th May 2023, which suggest that one more plastic surgery is required. It is advised by the Medical Officer attached to Kalyan District prison. It also mention that the Applicant was earlier taken to J. J. hospital.

6. Certain directions are required, so also if the trial does not begin, liberty can be granted to the Applicant to apply for bail afresh. In view of that the following order is passed :

- (a) The Superintendent, Kalyan District prison is directed to take necessary appointment from the J.J. Hospital for performing the plastic surgery, as advised by the Medical Officer attached to that prison and to see that the Applicant will be operated as early as possible.
- (b) Liberty is granted to the Applicant to apply again for bail, if the trial does not start within a period of one year from

today.

- (c) Copy of this order be sent to the Trial Court for information and passing of any directions if any.
 - (d) Trial Court to ascertain that the directions about performing operation to be complied in letter and spirit on urgent basis.
- 7. Application is disposed of in the aforesaid terms.
 - 8. All parties to act on authenticated copy of this order.

[S. M. MODAK, J.]