

MHRG010014672024



Order below Exh.09 in Special Case No.55/2024

(State Vs. Ramesh)

The accused namely **Ramesh Ambaji Patil** seeks successive regular bail in connection with C.R.No.149/2024 registered by Wadkhal Police Station for offence punishable under Sec. 64(2)(i)(m), 65(1), 74, 75(1)(1)(4), 79, 352(2), 249, 253 of the BNS and Sec.4, 6, 8, 12 of Protection of Children From Sexual Offences Act, 2012, which relates to punishment for penetrative sexual assault. The applicant is alleged to have committed sexual assault on a minor girl, aged [14] years.

02. This is an application filed by the accused seeking bail on medical grounds, stating the need for urgent surgery. The accused claims that he requires medical treatment which cannot be provided in the jail or a government hospital, thus warranting his release on bail.

03. The court called for immediate say of the jail authority and relevant medical papers pertaining to medical treatment of the accused. The jail authority sent medical paper and opinion of the civil surgeon. It is seen from the report of civil surgeon the accused is suffering for right side ingunosrotal hernia which means hernioplasty surgery.

04. After considering the matter and the submissions made by the counsel for the accused, as well as the materials placed on record, this Court is of the view that the application cannot be allowed.

05. The accused has been charged with serious offenses, including penetrative sexual assault on a minor girl, which are grave in nature. The gravity of the offenses is a significant consideration in determining whether bail should be granted.

06. Furthermore, it is not demonstrated that the surgery cannot be performed in a government hospital or that adequate medical facilities are unavailable to treat the accused's condition. There is no sufficient evidence to show that the medical condition of the accused cannot be managed within the available government healthcare infrastructure, or that the accused's health is in immediate danger requiring specialized treatment outside of such facilities.

07. Given the nature of the offenses involved and the absence of a compelling reason regarding the accused's medical needs, the application for bail on medical grounds is hereby rejected.

08. The accused may seek medical treatment within the facilities available in the government hospital. The jailer is directed to look into the matter and provide necessary medical aid to the accused to treat his disease. Hence, the following order.

ORDER

1. The application is rejected.
2. This order be intimated to the Jail authority forthwith.

Alibag,

Date:- 15/02/2025.

(S.D.Bhagat)

Additional Sessions Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	-	Sau.Manisha Sudhir Kadave Stenographer Grade-I
Name of Court	-	Shri. S.D.Bhagat, Additional Sessions Judge, Raigad-Alibag
Date of Order	-	15/02/2025.
Order signed by PO on	-	15/02/2025.
Order uploaded on	-	/02/2025.

(Sau.Manisha Sudhir Kadave)
Stenographer Grade-I