



## Order below Exh.26 in Special Case No.55/2024

( State Vs. Ramesh )

The present application has been filed by the accused **Ramesh Ambaji Patil** seeking bail on medical grounds, contending that he is suffering from hernia and requires urgent medical treatment. It is pertinent to note that this is a successive bail application, filed on the same grounds as the previous application, which was rejected after due consideration.

2. The accused is facing prosecution for an offence punishable under Section 64(2)(i)(m), 65(1), 74, 75(1)(1)(4), 79, 351(2), 249, 253 of the BNS and Sec.4, 6, 8, 12 of Protection of Children From Sexual Offences Act, 2012 of the Protection of Children from Sexual Offences (POCSO) Act, alleging penetrative sexual assault on a minor victim. The offence is grave, serious, and against societal interests, carrying severe punishment upon conviction.

3. The prosecution has strongly opposed the bail application, arguing that the accused has filed repeated applications on the same medical ground despite his treatment being duly facilitated by jail authorities. The jailor has reported that the accused was hospitalized for surgery and medical treatment. However, the Civil Surgeon has submitted a report indicating that the proposed surgery could not be conducted due to opposition from the accused's relatives. This suggests that the

accused is misusing medical grounds as a pretext for bail, while the jail authorities have already ensured appropriate medical attention.

4. The Hon'ble Supreme Court and various High Courts have consistently held that mere illness does not entitle an accused to bail when the prison authorities are capable of providing adequate medical treatment. In the present case, there is no material to indicate that the accused's medical condition is so critical that it cannot be managed within the existing prison medical facilities or a designated government hospital.

5. In view of the seriousness of the offence, the successive nature of the bail application, and the fact that the accused is already receiving proper medical attention, no new grounds warranting bail have been made out. Granting bail in such circumstances would amount to an abuse of the process of law. Hence, following order.

### **ORDER**

1. The bail application stands rejected.
2. The Jail Superintendent to personally look into the medical condition of the accused and secure best treatment for him from designated Government hospital / Civil hospital.

Alibag,

Date:- 28/03/2025.

(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	-	28/03/2025.
Order signed by PO on	-	28/03/2025.
Order uploaded on	-	/03/2025.

(Sau.Manisha Sudhir Kadave)  
Stenographer Grade-I