

IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI

**(Presided over by A. M. Ambalkar, Addl. Sessions Judge,
Ratnagiri)**

Session Case No. 5/2023

CNR No. MHRT010001352023

The State

Prosecution

Versus

Deepak Dattatray Sansare

Accused

Order Below Exh.74

(Dictated and delivered in open Court on 03/02/2025)

1. Applicant / Accused Deepak Dattatray Sansare filed this bail application U/Sec. 482 of The Bharatiya Suraksha Sanhita, 2023 for grant of short timer bail in Crime No. 156/2022; for the offences punishable under Sections 302, 394, 201, 195 of the Indian Penal Code registered at Deorukh Police Station.

2. It is prosecution case that the accused who is the son of deceased made missing application in respect of his mother and thereby submitted that on 31.10.2022 his mother was in the house and he left the house at about 9.00 a.m. and thereafter he went at various places for his work and he returned to home at about 1.00 p.m. and he found the doors of his house were locked. He was not having key. Therefore, he took search of his mother at nearby places and at the houses of neighbours and thereafter, at ST stand,

Datta Mandir etc. He waited for her and he also made inquiry about his mother at the house of his relatives. However, he could not find her. Thereafter he went to his house. When he opened the tap in the bathroom then he found red colour water. Therefore, he went over the terrace of house. There he found bed-sheet of his house. He opened the cap of water tank and saw inside the water tank of his house. Then he saw dead body of his mother was in the said water tank. He called the neighbours. Police were called there. Dead body was taken out of the water tank. Injuries on her head were noticed and blood was oozing therefrom. The golden ornaments on her person were found missing. Therefore, he was having suspicion that somebody in order to rob the golden ornaments from her person killed her.

3. During investigation it revealed that because of quarrels between his mother and wife he got fed up and caused injuries to his mother due to which she died and to make show that somebody robbed, her golden ornaments were removed from her person and gave false report to the police.

4. The applicant/accused submitted that he is having serious ailment from last several years and having severe pain to the pelvis with both hip joints. He is detained in magisterial custody for last more than six months and now said ailment has reached to an alarming extent by rendering severe aggravation. Day and night he is facing severe pain,

therefore, he is unable to perform his daily pursuits in jail and some helping hand is immensely required or necessary for him even to do his day to day activities. It is further submitted that facility of 'English Toilet' or 'Commode' is not available at the Special Prison in Ratnagiri and other minimum required accommodation facility to such type of patient is also not available to the Special Prison, Ratnagiri. The Jail Authorities referred him frequently to General Hospital, Ratnagiri for check up and for medical treatment. The doctors from General Hospital, Ratnagiri treated him and after examining him given expert opinion that he shall have to undergo and perform surgery of concerned portion of pelvis and hip joints, such type of severe ailment cannot be cured merely on the basis of medicines as per the advice of expert doctors.

5. It is further submitted by accused/applicant that previously he preferred an application for short term bail at Exh.49 before this Court and elaborately explained his genuine medical urgency for medical intervention along with necessary documents. This Court granted him short term bail on 31/08/2024 for period of three months on furnishing P. B. of Rs.50,000/- with surety in the like amount. Accordingly, accused/applicant has taken treatment from his family doctor from PHC Centere/Devrukh/Sangameshwar. At that time, it was revealed that he was suffering from problem Hydrocele i.e., fluid filed sack around testicle. Therefore he visited General Hospital, Ratnagiri on 13/09/2024 and as

per the opinion of concerned Surgeon, he was required to undergo surgery of Hydrocele immediately and subsequently surgeries of Hip Joint can be performed. Therefore he was admitted as indoor patient on 19/09/2024 to 23/09/2024 in General Hospital Ratnagiri and got operated on Hydrocele and after discharged doctor advised him to take rest. Thereafter he went to Mumbai on 15/10/2024 for his treatment and operation of Hip Joints. He went firstly at KEM Hospital, but free surgical parts as well as special treatment was not available within time. Therefore he went at J.J. Hospital, Byculla Mumbai and concerned Surgeon treated him and there was also number of patients were in queue for surgery. Finally, the concerned surgeon has assured him that he will try his Hip replacement surgery within the span of one month. Applicant/accused requires to undergo surgery in Private Hospital and has to spend lakhs of rupees. But considering his financial crisis, it is not practically possible him to perform surgery at private hospital. Therefore, he is trying to take treatment under free treatment scheme like Jan Arogya Yojana. It is further submitted by accused/applicant that concerned medical officer of JJ Hospital has assured him that the concerned medical apparatus such as Hip replacement apparatus will be available in the month of December and the concerned Hip surgery of accused will be performed in month of December 2024. Therefore, he prayed for further next four months i.e., December 2024 to March 2025.

6. Accused/applicant further submitted that he is incline to perform surgery at Mumbai. If he is released on bail, he assures that he will not jump bail nor he will tamper with prosecution evidence even remotely. He will surrender before Court after completion of period of short term bail. He prayed to allow the application.

7. Ld. APP filed say on this application and strongly resisted the application by submitting that the offence is serious one. The accused has committed murder of his mother for golden ornaments. If he is released on short term bail he will pressurize the prosecution witnesses. He will abscond. The reason given for short term bail is not sufficient. Finally, prayed for rejection of application.

8. Heard learned Advocate Shri. P. P. Nene for the applicant and learned APP Smt. V. D. Prabhu for the State at length. Perused the application, say and documents. Applicant filed medical papers on record consisting of laboratory test reports, discharge card, reports of KEM Hospital dated 15/10/2024, 16/10/2024 and 17/10/2024 and also filed affidavit of his aunt Smt. Sugandha Sudhakar Berde stating that applicant needs to perform Hip replacement surgery.

9. On perusal of reports, it appears that the applicant accused is suffering from the ailments which are mentioned in the application. It also appears that because of

ailments, the applicant is unable to do day to day activities. Doctor's report shows that because of pain to hip joint, he is unable to walk. Considering the aforesaid medical papers, reports, affidavit of aunt of accused/applicant and submission made by advocate of accused, I am of opinion that humanitarian ground is required to be taken. Further, the record shows that previously for performing religious rituals in respect of deceased mother of applicant, and for surgery of Hydrocele, he was released on short term bail wherein the sisters of applicant requested to release the applicant on bail. It is also material to note that there are no allegations of taking undue advantage of short term bail against the applicant. Therefore, considering aforesaid facts and circumstances and urgent need of peculiar treatment and surgery, the applicant can be said to be entitled to grant of short term bail as prayed for. Hence, I proceed to pass following order.

ORDER

1. Application Exh. 74 is hereby allowed.
2. Applicant/Accused Deepak Dattatray Sansare in Crime No. 156/2022, for the offences under Section 302, 394, 201, 195 of the Indian Penal Code, registered with Deorukh Police Station shall be released on short term bail for the period of four months from the date of release from Jail on furnishing personal bond of Rs. 50,000/- (Rs.Fifty Thousand Only) with surety in the like amount.

3. The applicant shall submit the medical papers about his Hip replacement surgery before the Court.
4. The applicant shall not meet any of the witnesses and shall not either induce or pressurize any of the witnesses and he shall surrender before the Court on expiry of four months period.
5. Inform the concerned accordingly.

Date :- 03/02/2025.

**(A. M. Ambalkar)
Addl. Sessions Judge, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Session Case No. 5/2023 order below Exh. 74
Name of Stenographer	:-	Shri. Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge,Ratnagiri.
Date of Dictation on computer	:-	03.02.2025
Order signed by the PO. on	:-	03.02.2025
Order uploaded on	:-	03.02.2025