

ITEM NO.302

S U P R E M E

COURT NO.6

C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION IIA

CRL.MP NO.7576/2014 IN CRIMINAL APPEAL NO(s). 778 OF 2013

RAJU @ RAJESH SHARMA

Appellant (s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(FOR bail and office report)

Date: 30/04/2014 This Application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Appellant(s)

Mr. Siddhartha Dave, Adv.
Mr. R.K. Singh, Adv.
Ms. S. Chaturvedi, Adv.
Mr. B.N. Dubey, Adv.
for Mr. Sajith. P,AOR(Not present)

For Respondent(s)

Mr. C.D. Singh, Adv.
Mr. Apoorv Kurup, Adv.
Ms. Sakshi Kakkar, Adv.UPON hearing counsel the Court made the following
O R D E R

In furtherance of our motion Bench order dated 28.04.2014, the Additional Superintendent of Police, City (East), Gwalior, and the Civil Surgeon-cum-Chief Hospital Superintendent, Gwalior City (for short 'Civil Surgeon') are present in the Court in person. We have sought their explanation for not having complied with the direction issued by this Court on 15.04.2014, expeditiously. The explanation tendered by them is satisfactory.

The Civil Surgeon has handed over to us in Court today a medical report dated 30.04.2014. The above medical report indicates, that the applicant's wife is suffering from 'fibroid in her uterus'. It is the submission of the Civil Surgeon that it will only be conclusively determination whether the applicant's wife is suffering from

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carcinoma cervix, when Pap's Smear Test Report is received.

It is submitted that the above report is likely to be received on 03.05.2014.

The primary contention advanced at the hands of

the applicant was, that he wanted to be in the company of his wife during the course of her surgery for the removal of the aforesaid fibroid from her uterus. It was also his contention that it was imperative for him to be at his residence to take care of his two children.

Besides the above primary contention, it has been the submission of the learned counsel representing the applicant, that a co-accused having suffered six and half years of imprisonment, has been released on bail, and that, the applicant would complete six and half years in May, 2014, and on account of parity, he would also be entitled to seek his release on bail.

Keeping in view the above factual position, we are satisfied that on account of parity, the applicant would, in any case, be entitled to be released on bail in the next month. Keeping in mind the ailment suffered by his wife, we are satisfied that he should be released on bail to the satisfaction of the Additional Sessions Judge, Gwalior, on such terms and conditions as he may consider fit. accordingly.

Ordered

The criminal miscellaneous petition for bail is accordingly allowed.

(Parveen Kr.Chawla)
Court Master