

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 834 OF 2015

Ajit Bhagwan Tiwade	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Ms. Harjeet Kaur Bhagwant Singh, Advocate for the applicant.
Mr. Arfan Sait, APP for the respondent/State.
I.O. Mr. S.Z. Daberao, API, Rajarampuri Police Station, Kolhapur present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 29, 2015**

P.C.:

This Application is moved for bail only on a medical ground that the applicant/accused is suffering from heart problem and he wants to get operated in a private hospital.

2. The applicant is accused in MCOC case for the offences punishable under sections 302, 307, 147, 148, 341, 323, 120-B of the Indian Penal Code and under sections 3(1)(i), 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime. There are nearly 6 to 7 cases pending against the applicant/accused. The applicant was earlier released on bail on 6th December, 2013, however, he assaulted one Ajit Dattatraya Mohite on 24th January, 2014 and the offence is registered at C.R. No. 27 of 2014 with Shahupuri Police Station, Kolhapur under section 324 r/w. 34 of the Indian Penal Code.

3. The learned counsel for the applicant/accused has submitted that the applicant has given an application dated 8th June, 2015 stating that the doctors from J.J. Hospital do not attend him properly and neglect him because he is an under trial prisoner, therefore, he wants to get himself operated in a private hospital.

4. Learned APP informs the Court that the Prison Authority and J.J. Hospital has taken steps to arrange finance for the angioplasty of the applicant/accused and Rs.1,50,000/- was sanctioned on 13th October, 2014, however, the applicant refused to get operated in J.J. Hospital. Learned APP opposed to release the applicant on bail even on medical ground in view of the previous history of abusing the bail when released on medical ground.

5. The medical report of the applicant/accused discloses that he requires treatment for his heart ailment. This medical treatment cannot be postponed and he has to be treated at the earliest. Considering the choice given by the applicant/accused of getting operated in a private hospital and there is need of arrangement of finance for his operation in J.J. Hospital, I pass the following order:

- (i) The Application for temporary bail of the applicant/accused on medical ground is allowed only for a short period, i.e. one week, because as per the record angioplasty is required and applicant

chose to get operated in private hospital at Kolhapur, however, subject to applicant/accused ready to bear the expenses of escorts from police force for one week.

OR

The applicant can be immediately shifted to J.J. Hospital for his surgery.

- (ii) The State Government is hereby directed to make the arrangement of finance for his operation within 15 days, if the applicant/accused wants to undergo in J.J. Hospital.
- (iii) If the applicant/accused is operated in J.J. Hospital, he cannot be released on temporary bail. He will be taken in J.J. Hospital as under trial prisoner under escort of the State.

6. This order is to be sent to the Law & Judiciary Department, Health Department and Director General Prison, Pune.

7. The Application stands disposed of.

8. The applicant/accused may file an application accordingly informing this Court about his choice for surgery.

(MRS.MRIDULA BHATKAR, J.)