

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 2656 OF 2014

Mr. Priyesh Harishankar Singh ... Applicant

VS.

1.Union Territory Administration
of Dadra & Nagar Haveli,Silvassa

2.The State of Maharashtra ... Respondents

Mr. A.H.H.Ponda, a/w Mr. H.R.Singh, Advocate for the applicant

Mr.D.A.Nalawade, for respondent No.1.

Ms. R.V.Newton, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 6th February, 2015.

P.C.

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973 seeking bail on medical grounds.

2. The applicant herein was arrested on 2.9.2011 in Crime No.198 of 2011 registered at Silvassa Police Station for the offence punishable under Sections 498A, 304B, 365, 302, 201, 120B read with Section 34 of Indian Penal Code. The application filed by the present applicant seeking bail was rejected on merits by this Court vide order dated 11.12.2013. The applicant had then filed Bail Application No. 173 of 2014 seeking bail on medical grounds. The same

was rejected by issuing certain directions to the Jail authorities.

3. The applicant then filed an application on medical grounds being Bail Application No.1044 of 2014. A report was called from the Silvassa Jail about the health of the applicant and it was informed that the physical health of the applicant is deteriorating and he deserves better medical facilities. It was also reported that the applicant is suffering from loss of memory and loss of expression. The applicant was then referred to the J.J. Hospital at Mumbai. This Court had called for the reports from the J.J. Hospital from time to time. In the Certificate dated 18.7.2014, the doctor from Psychiatric Department of J.J. Hospital had opined that patient has long standing neuro psychiatric problem. He needs detailed investigation. He was, therefore, admitted in J.J.Hospital. The opinion was taken on record which showed that the illness was of a serious nature as he was suffering from psychiatric disorder. As on 8.8.2014, charge was also not framed. After perusing the report of J.J. Hospital, the applicant was granted temporary bail till 30.12.2014. His health had not improved and, therefore, temporary bail was extended. On 1.2.2015, the applicant was directed to surrender before the jail Authorities at Silvassa and it was directed that there shall be medical evaluation of his health.

4. Today, the learned counsel, Mr. Nalawade has filed on record a report of

the Jailor of Silvassa Jail dated 5.2.2015 along with the medical evaluation report of the applicant issued by Dr. Vinod Kumar of Vinoba Bhave Hospital. Both the reports are taken on record and marked “X” for identification. The doctor has opined that the applicant was treated by a Psychiatrist. He is suffering from Major Psychotic Depression. He had no medicines at the time of evaluation. The doctor has also reported “that the patient is showing abnormal behaviour. Not eating food, not sleeping. Showing abnormal emotional behaviour. That he is passing urine in his clothes.” It is further reported that looking at his physical condition, he is to be referred to Vinoba Bhave Hospital for further management and Psychiatrist opinion. The report of the Jailor shows that the applicant has not taken any food intake since 1.2.2015 and that he is unable to maintain hygienic condition which causes trouble to the other inmates of the jail.

5. Taking into consideration the report of the Silvassa Jailor, as well as the certificate issued by the Doctor at Vinoba Bhave Hospital, this Court is of the opinion that the applicant deserves to be enlarged on bail on humanitarian grounds. In any case, this is a sorry state of affairs that for the past four years, the charge also it not framed.

6. The learned counsel appearing for the respondent submits that there was a delay in framing of charge because of number of discharge applications filed by the co-accused one after another. However, there has been a delay and

the applicant has been in jail since 2011. The applicant deserves bail on sympathetic humanitarian ground. However, it is directed that the applicant shall file his monthly medical report to the Sessions Court. The applicant shall also get himself examined at the end of every month at J.J.Hospital and submit the report before the concerned Sessions Court. It is made clear that this application is not being granted on merits and the Sessions Court would be at liberty to proceed with the trial on the basis of the reports filed by the applicant.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant be enlarged on cash bail for a period of four weeks. The applicant shall furnish P.R.Bonds and solvent sureties within four weeks from the date of release.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)