

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1267 OF 2017

Vikramsingh s/o Dattusingh Chouhan ... **Applicant**
Age 63 years, Occu: Business/Agri.
R/o vishal Nagar, Latur
Tal. & Dist. Latur (Maharashtra)
At present lodged in Latur Jail)

VERSUS

The Central Bureau of Investigation ... **Respondent**
(C.B.I.), Special Crime-1,
CBI Building, 5-B, CGO Complex,
Lodhi Road, New Delhi 110003
(Through the Investigating Officer
Mr. M. K.Pathak, Dy. S.P.CBI,
SC-1, New Delhi.

Mr. Rajendra S. Deshmukh, Advocate holding for Mr.
Abhay D. Ostwal, Advocate for the Applicant, Advocate
for the Applicant.

Mr. Sanjeev B. Deshpande, ASG, for the Respondent- CBI

CORAM : K. L. WADANE, J.

RESERVED ON : 28.07.2017

PRONOUNCED ON : 03.08.2017

ORDER:

1. This is an application by accused Vikramsing Dattusing Chauhan seeking regular bail in connection with Crime No.80/2014 registered with MIDC Latur Police Station, Latur, on 27th March, 2014 for the offences punishable under sections 302, 364, 354, 376 (d)(g), 201, 203, 120-B read with section 34 of the Indian Penal Code.

2. Deceased Kalpana Mangal Giri, daughter of the informant, was an Advocate by profession and at the time of her death, she was Secretary of Youth Wing of a National Congress Party in Latur District. On 12.03.2014, upon intimating her father and other family members, she left her house for the party function and since then she was not traceable. On the same day, her brother lodged a missing report with the Police Station. On 23.03.2014, dead body of Kalpana was found and on 27.03.2014, after identifying the body and completing the last rite ceremony, the informant Mangal Giri Lodged report to the police station.

3. During investigation, it was noticed that one Vivekanand alias Viky, ex-employee of the present applicant was sought to be presented to the Investigating Agency as an accused, claiming to be responsible for the death of Kalpana by the accused persons.

4. After completing investigation, charge sheet was filed and the present applicant is named as one of the accused.

5. The applicant herein is claiming regular bail on the grounds of parity, medical treatment, his old

age and delay in trial.

6. The respondent opposed the bail application by filing affidavit of one Manojkumar Pathak, on behalf of Central Bureau of Investigation.

7. I have heard argument of Mr. Deshmukh, the learned counsel for the applicant and Mr. S. B. Deshpande, learned ASG for the respondent CBI.

8. Mr. Deshmukh, by referring various documents, has argued the matter on merits. The learned counsel submitted that another accused person namely Prabhakar and Kuldipsing against whom similar allegations are made are already released on bail. Further, Mr. Deshmukh pointed out physical condition of the applicant and by referring various documents relating to medical treatment, he submitted that the applicant requires urgent Coronary Artery Bypass Grafting (CABG) and for that, necessary medical treatment is not available at Latur and therefore, Mr. Deshkukh submitted that the applicant may be granted regular bail or he may be granted interim bail/temporary bail for medical treatment.

9. Prayer of the applicant is opposed by the

respondent on the ground that earlier his bail application was rejected by this Court on merits, that too after filing of the charge sheet. Now the applicant is not entitled to reopen all these issues, since these issues/grounds were adjudicated on merits and regular bail plea of the present applicant is turned down by order of this court dated 28.09.2015 in Criminal Application No. 4724/2015.

10. I have carefully gone through the reasons recorded in the order dated 28.09.2015, wherein all the grounds raised in the present application have been taken into consideration and for the reasons stated in the order, the bail application of the applicant is rejected. Then, the applicant moved to the Supreme Court by way of filing Special Leave to Appeal (Cri.) No.8991/2015. The same is also rejected on 30.10.2015.

11. Mr. Deshmukh, the learned counsel submitted that presently, the applicant is lodged in Sub Jail, Latur and considering the nature of medical treatment required to the applicant, such medical treatment is not available at Latur. To substantiate his submission/contention, Mr. Deshmukh referred the letter dated 06.04.2016 issued by the Dean, Government Medical

College and Hospital, Latur, addressed to the Assistant Superintendent, District and Sessions Court, Latur, wherein, it has been informed that there is no facility of Angiography or Angioplasty for primary treatment given for heart disease. By referring to another document Mr. Deshmukh the learned counsel further submitted that the applicant is a heart patient and requires urgent Bypass surgery. Mr. Deshmukh referred the letter dated 24.06.2016 issued by Dr. S. S. Deshmukh Cardiologist, Department of Cardiology, GMCH, Aurangabad, who has advised Coronary Artery Bypass Grafting (CABG) as the patient is significantly symptomatic inspite of medical management and PTCA to RCA attempted in 2011/Medical management.

12. Looking to the above two documents, it appears that necessary medical treatment is not available at Government Medical College & Hospital at Latur. So, the applicant is required to be shifted from Sub Jail Latur to Central Prison, Aurangabad so as to enable the applicant/patient to take necessary medical treatment as he requires urgent Bypass surgery (CABG). To ventilate the grievance of the applicant, I am of the opinion that certain directions needs to be given to the respondent to shift the applicant from Sub Jail

Latur to Central Prison Aurangabad only for the purpose of medical treatment/Coronary Artery Bypass Grafting (CABG) and after carrying the medical treatment the applicant is required to be taken back to the Sub Jail Latur to attend the trial.

13. In view of the above, the criminal application for bail is rejected.

14. The respondent is directed to shift the applicant from Sub Jail Latur to Central Prison, Aurangabad, immediately. The respondent is also directed that after the medical treatment is over, the applicant should be taken back to the Sub Jail Latur.

15. With these directions, the criminal application is disposed of.

(K. L. WADANE, J.)

JPC