

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.106 OF 2017
WITH
CRIMINAL APPLICATION NO.1420 OF 2016
WITH
CRIMINAL APPLICATION NO.598 OF 2017
IN
CRIMINAL APPEAL NO.432 OF 2016**

Mohammad Raees Shahajade Ansari ...Appellant/Applicant

**V/s.
State Of Maharashtra)...Respondent**

None for the Appellant/Applicant.

Mr. S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 17th April, 2017.

P.C. :

None for the applicant/appellant. The learned APP for the State.

2 By Criminal Application No.106 of 2017, the applicant/convict is praying for releasing him on bail with an averment that he is suffering from DNS with bleeding hemorrhoids with acute abdomen pain for a period of last one year. He is alleging that there is no facility available at the prison

from treatment of his ailment.

3 By Criminal Application No.598 of 2017, the applicant/convicted prisoner is seeking his release on bail on merits of the matter by suspending his sentence. He has raised several grounds including the one that he is innocent and falsely implicated in the crime in question and the impugned judgment and order is without appreciation of evidence in proper perspective.

4 By Criminal Application No.1420 of 2016, the applicant/convicted prisoner is praying for directing the Superintendent of Nashik Road Central Prison to send him to higher centre for his treatment for bleeding from his nose.

5 The learned APP has placed on record the Criminal Application No.106 of 2017 and an affidavit stating that the Superintendent of the Nashik Road Central Prison, Nashik had referred the applicant to the Civil Hospital Nashik on 17.3.2016 where he was examined and treated. It is further mentioned in the affidavit that the applicant was then sent to General Surgeon of the Civil Hospital, Nashik on 8.12.2016 and after his medical

examination, he was given medicines. It is further stated in the affidavit that on 31.12.2016, the applicant was sent to the Civil Hospital, Nashik when USG of his abdomen was done and was found to be normal. It is stated that appropriate treatment was given to the applicant. Thus, as stated in the affidavit on 10.4.2017, the applicant was sent to Civil Hospital, Nashik and upon examination, he was found to be suffering from hemorrhoids, cough, mild DNS. The Superintendent of prison has stated on affidavit that the specialist has given medical treatment to the applicant for these two diseases. It is further stated that the general condition of the applicant-accused is stable and treatment for his diseases is available at Civil Hospital, Nashik

6 So far as Criminal Application No.598 of 2017 is concerned, it is for bail on merits. Earlier, such application bearing no.1111 of 2016 was heard and decided on merits on 28.11.2016. It was rejected on merits and as such second bail application on same grounds on merits is not maintainable.

The only remaining criminal application is for referring to the higher centre for bleeding from his nose.

7 As it is found stated on affidavit that medical treatment has been given to the applicant-accused by referring him to the higher centre that is Civil Hospital, Nashik, he is not entitled for bail on medical ground. Similarly, the earlier bail application of the applicant on merits has been rejected. In this view of the matter, the following order:

- (1) Applications are rejected.
- (2) However, the Superintendent of Nashik Road Central Prison, Nashik is directed to give timely medical treatment to the applicant-accused by referring him to the appropriate Hospitals as and when required. Medical officer attached with the jail should conduct regular medical check-up of the applicant-accused and he should refer the applicant-accused to higher centre if it is found necessary.

(A. M. BADAR, J.)