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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.646 OF 2017 IN
APPEAL NO.1012 OF 2013**

Jaya Talakshi Chheda	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. V.V. Purwant i/by Mr. Rama D. Pawade for the Applicant.

Mr. J.P. Yagnik, APP for the Respondent - State.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 4th SEPTEMBER, 2017

PC.

1 As per the administrative order dated 7th July, 2017 passed by the Hon'ble the Chief Justice, this application has been assigned to this Bench. The applicant is seeking temporary bail on medical grounds by relying upon the documents annexed to the application. The contention of the applicant is that the applicant is required to undergo either angioplasty or coronary by-pass surgery. As per the orders of this Court, a Medical Board has been constituted which has submitted a report dated 22nd August, 2017. The Medical Board consisted of Dr. Hiralal Pawar, holding super-specialization in Cardiology, Civil Surgeon, Nashik and Additional Civil Surgeon, Nashik. The opinion of the

Medical Board reads thus :-

“Opinion

After detail Clinical examination and documentary reports and Angiography CD Report produced of Smt. Jaya Talakshi Chheda, Age 53 Yrs. We Opine that she is suffering from Coronary Artery Disease, for that she underwent Aoronary Angiograby, CAG Report dated 17/04/2017 showing LAD – 80% Stenosis and Diagnol has 70% Stenosis. She needs PTCA with Stent to LAD & Diagonal or CABG.

After careful examination of patients documents produced committee comes into conclusion that named Smt. Jaya Talakshi Chheda, Age 53 Yrs needs PTCA to LAD & Diagonal (Angioplasty) or CABG (Bypass Surgery).”

2 The learned APP on instructions of Mr. Shivaji P. Jadhav, Jailor, Byculla District Prison, Mumbai has placed on record a letter dated 3rd September, 2017 addressed to the learned Public Prosecutor by the Superintendent of Nashik Road Central Jail. The copies of the correspondence have been annexed to the said letter. There is a letter dated 1st September, 2017 addressed by the Department of Cardiology of Grant Medical College and Sir J.J. Group of Hospital to the Superintendent of Sir J.J. Group of Hospitals which records that if the applicant needs to undergo Angioplasty, she will need two stents. The expected expenses will be Rs.95,000/-. There is another letter dated 1st

September, 2017 addressed by the Department of Cardio-Vascular & Thoracic Surgery of Sir J.J. Group of Hospitals to the Medical Superintendent of the said Group of Hospitals. It is stated that Coronary by-pass surgery can be performed on the applicant in the said Hospital at approximate cost of Rs.1,50,000/-.

3 The learned Additional Public Prosecutor, on instructions of Mr. Shivaji P. Jadhav, Jailor, Byculla District Prison, Mumbai states that for Angioplasty and/or for coronary by-pass surgery, the State is willing to bear the entire expenditure including the cost of procedure/surgery, cost of equipment and cost of medicines and that the applicant will not be required to pay any amount in that behalf. We accept the said statement. As medical treatment as suggested by the Medical Board in its report dated 22nd August, 2017 can be provided in Sir J.J. Group of Hospitals, Mumbai, it is not necessary to consider the prayer made by the applicant for grant of temporary bail for undergoing medical treatment.

4 Accordingly, we pass the following order :-

ORDER

- (i) Application is rejected;
- (ii) We direct the State to ensure that the applicant is immediately shifted to Sir J.J. Group of Hospitals. We

direct the State to ensure that immediate steps are taken for extending the medical treatment to the applicant in terms of the report of the Medical Board dated 22nd August, 2017. If the Doctors in Sir J.J. Group of Hospitals finds that the applicant will have to undergo Angioplasty, the said procedure shall be taken at the earliest. If the Doctors are of the view that the applicant will have to undergo coronary by-pass surgery, the Authorities shall ensure that surgery is performed immediately;

- (iii) Though the application is rejected, for reporting compliance regarding medical treatment extended to the applicant, this application shall be listed on 29th September, 2017 under the caption of 'Directions';
- (iv) All concerned to act upon an authenticated copy of this order;

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)