

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.85 OF 2018
IN
CRIMINAL APPEAL NO.318 OF 2017**

Santosh Jayvant Jadhav	 Applicant
versus	
The State of Maharashtra	... Respondent

.....

- Mr.Ganesh K. Gole a/w Ateet Shirodkar, Advocate for the Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 15th JUNE, 2018.**

P.C. :

1. This is an Application for bail on the medical ground.

On the last date we had directed the Chief Medical Officer, Nashik Road Central Prison to file an Affidavit explaining thereof as to whether the treatment for the ailment, of which the Applicant was suffering from, was available in the Prison Hospital at Nashik Road Central Prison or in the Civil Hospital, Nashik.

2. Accordingly Dr.Nilkanth Ramrao Sasane, Medical Officer, Nashik Road Central Prison, has filed an Affidavit dated 14/06/2018, in which it is stated that the ART treatment is not available at the Jail Hospital, Nashik Road Central Prison and the same is available at Civil Hospital, Nashik. It is further stated that though the same is available at Civil Hospital, Nashik, and though the Applicant was taking the said ART treatment at Civil Hospital, Nashik, he has discontinued the same from 04/03/2016 because of its side effects. It is further stated that the said prisoner is taking his medicines from a private hospital outside Nasik Road Central Prison.
3. The perusal of the record reveals that though the Applicant was arrested in May 2014, till now for a substantial period he is out on bail on the medical ground.
4. The interest of the Applicant can very well be taken care of by permitting him to visit the private hospital, from

where he is taking medicines etc. However, we do not find it necessary to continue bail of the Applicant on the medical ground for an unlimited period.

5. The Application for bail on medical ground is therefore rejected.
6. Needless to state that if the Applicant has not filed any Application on merits, he will be entitled to file the same.
7. While rejecting the Application, we direct the Prison Authorities to permit the Applicant to take medicines from the private hospital and as and when necessary, permit him to visit the private hospital with the escort.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)