

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH : NAGPUR

Cri. Application (BA) No. 65 of 2018

Deepak Bajaj v. State of Maharashtra and anr

Shri S. P. Dharmadhikari, Senior Advocate and Shri Uday Dable and Shri C. S. Dharmadhikari, Advocate with him for applicant

Shri S. S. Doifode, Addl. Public Prosecutor for respondent-State

Coram : S. B. Shukre, J

Dated : 22nd February 2018

P.C.

1. I have heard this application at length. I have also gone through the medical reports of the applicant.
2. Medical Reports do indicate that health condition of the applicant continues to be serious and before it deteriorates further, something must be done to provide better medical care and assistance to the applicant. Today, report dated 21.2.2018 sent by the Medical Superintendent, Government Medical College And Hospital has been placed on record by learned Additional Public Prosecutor, which is marked "Z" for identification. Upon over-all reading of the report, one gets an impression that although the applicant has been discharged from the Government Medical College & Hospital, his discharge was done only on the basis of sufficient control of his blood pressure and blood glucose level. It admits that normally patients are discharged after achieving satisfactory level of cure of health condition. But, in this case, the discharge, as could be inferred from this report, was not on the basis of satisfaction of the attending doctor that the health condition of the applicant

had reached a satisfactory level of cure but was founded only upon his present level of blood pressure and blood glucose level. This report also says that no comments on development of complications can possibly be made as it depends upon various conditions like optimum control of the ailment, regular intake of advised diet and medicines, and of course, the degree of medical care provided to the patients. This report further says that the treatment that was given to the applicant was consistent with the existing facilities which included sufficiently trained doctors and medical staff. It further says that possibility of having better facilities and competence for management of such patients at other institutions/hospitals is not ruled out.

3. The sum and substance of this report is that it is not forthright in saying that the Government Medical College & Hospital, Nagpur is capable of giving adequate treatment to the applicant for bringing under control his various ailments.

4. Having regard to the facts and circumstances of the case as also the fact that this applicant has opposed proceeding with the trial on the ground that one Special Leave Petition filed by him before the Hon'ble Supreme Court is pending for consideration, which is stated to be challenging the order of framing of charge wherein no stay to the trial of the case has been granted by the Hon'ble Supreme Court, I am of the view that instead of granting bail on medical ground even for a particular period of time, underlying purpose of this application would stand served by directing admission of the applicant in a specialized hospital where he would be attended by specialized doctors of his choice, but under the judicial custody. Learned Senior Advocate, on instructions, has suggested that such hospital could be -

“Gandhi Hospital,
C/1, Shrivardhan Complex, Wardha Road,
Ramdaspath, Nagpur”

5. In view of above, the prayer for grant of bail cannot be considered and is rejected. However, it is directed that the applicant be admitted to a multi-speciality hospital indicated by learned Senior Advocate, on instructions, with effect from 23.2.2018 till he is discharged from the hospital. The Dean of the Government Medical College & Hospital, Nagpur shall be permitted to visit the multi-speciality hospital and peruse the medical reports, and also have a look at the medical condition of the applicant so that appropriate decision regarding discharge of the applicant from the hospital can be taken independently, if the need so arises. The wife and children of the applicant shall be permitted to visit him everyday between 05.00 pm and 06.00 pm till discharge of the applicant, subject to no objection of treating doctor. The Jail Authorities shall make appropriate arrangement for ensuring safe judicial custody of the applicant while he remains hospitalized at the said hospital. All the expenses of the said hospital shall be borne by the applicant. Disposed of.

JUDGE

joshi