

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1159 OF 2019

Bahusaheb Rajaram Kapadnis	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Mahendra Sandhyanshiv, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 6th SEPTEMBER, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.I-17/2018 registered with Jaykheda Police Station, District Nashik u/sec.302, 363, 342 r/w 34 of I.P.C.

2. The present application is filed only on the ground that, medical condition of the applicant is not good. The application is not filed on the merits of the matter. The application mentions that, the applicant is suffering from “Pulmonary hyper tension with unstable Angina intermittent respiratory distress”. It is his case that, the applicant is in need of special treatment from the expert doctors. The treatment is not available with R.M.O. Central Prison. The applicant was admitted

in Civil Hospital as well as in R.M.O. Central Jail, Nashik for better treatment. It is his case that, the medical facilities provided by these two hospitals are not sufficient.

3. Ld. APP has tendered the affidavit filed by the Superintendent, Nashik Road Central Prison, Nashik. It is mentioned in the affidavit that, the applicant was admitted in Civil Hospital, Nashik from 27/02/2018 to 05/03/2018 for viral fever and hypertension as well as for ARF on Chronic Renal Failure. He was thereafter admitted in Civil Hospital, Nashik from 09/03/2019 to 17/03/2019 for upper respiratory tract infection and hypertension and Chronic Renal Failure. Proper treatment was given to the applicant. It is mentioned in the affidavit that, the applicant was admitted in Civil Hospital, Nashik from time to time. It is further mentioned that, proper treatment for hypertension was available in Civil Hospital, Nashik and treatment for Chronic Renal Failure was available in Regional Referral Hospital, Nashik. It is specifically mentioned that, OPD as well as In Door Patient treatment is available in Regional Referral Hospital, Nashik. It is specifically mentioned in the affidavit that, the applicant can be admitted in the said hospital.

4. To this affidavit, a copy of the report signed by the Medical Officer of the said hospital is attached. It is mentioned in the report that, in the hospital, facilities are available for treating Chronic Renal Failure and if necessary the petitioner is admitted in the hospital for treatment. It is further mentioned in the report that, at present the facility for Renal Transplantation is not available. In that case and if there are complications, the petitioner is referred to J.J. Hospital or K.E.M. Hospital at Mumbai.

5. Thus, from the report and the affidavit it is clear that, the requisite facilities for medical treatment of the applicant are available and the authorities can take steps to provide treatment to the applicant in such hospitals. Therefore, at this stage, I am not inclined to grant bail to the applicant on the ground that, his medical condition is not good. However, the jail authorities are directed to provide prompt treatment to the applicant as and when necessary. The authorities can take steps to admit the applicant in any of the hospitals mentioned herein above. The applicant is at liberty to approach this Court again in case such emergency arises. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly with above directions.

(SARANG V. KOTWAL, J.)