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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.804 OF 2019
IN
CRIMINAL APPLICATION NO.774 OF 2014
ALONGWITH CONNECTED MATTERS

Jaya Talakshi Chheda @	]	
Jaya Suresh Bhagat	]	..Applicant
v.		
The State of Maharashtra	]	..Respondent.

Mr.Taraq Sayed alongwith Mr.Durgesh Jaiswal for the Applicant.
Mr.V.B. Konde-Deshmukh, APP for the State.
Mr.Dheeraj Panchange i/by Mr.Amit Munde in Criminal Appeal
No.1018/2013.

**CORAM : INDRAJIT MAHANTY &
A.M. BADAR, JJ.**

DATE : 12th June, 2019.

P.C.

1] This Criminal Application has been filed by the Applicant for relaxation/modification of condition No.(iii) imposed upon her vide bail order dated 30th August, 2018 and for permission to visit Singapore for urgent medical treatment.

2] The Applicant was convicted under Section 120B and 302 read with 34 of the Indian Penal Code by the Additional Sessions Judge in

Sessions Case No.294 of 2009 dated 31st July 2013. Challenging the said conviction, the applicant has filed Criminal Appeal No.1012 of 2013 and in Criminal Application No.774 of 2014 arising thereof, bail has been granted to the Applicant vide order dated 30th August, 2018, in which one such condition reads thus :

8(iii) The Applicant shall not leave India without the permission of Court.

3] Learned counsel for the Applicant drew our attention to various medical certificates issued to the Applicant by Sir H.N. Reliance Foundation Hospital, where the applicant was admitted and on page NO.109 (Exhibit C collectively) Dr. Muffazal Lakdawala has certified as follows :

“Mrs. Jayaben Suresh Bhagat (Ms.Jaya Talakshi Chheda) has been under my treatment for morbid obesity with associated complications since 2010. Her ailments require consistent monitoring and follow ups.

She has undergone the following surgeries :

1 Laparoscopic Sleeve Gastrectomy by Dr.Sanjay Borude in 2006.

2 CABG by Dr.Anil Kumar in 2017

Ms.Jaya is suffering from Recurrent Uveitis probable sarcoid and was admitted to Sir H.N. Reliance Hospital, Mumbai under Dr.Puneet Mashru on 23rd April 2019 for her treatment and was discharged on 25th April, 2019.

She is advised to see Dr.Kwang Wei Tham at Singapore General Hospital for research and treatment of the said disease. Recurrent Uveitis probable sarcoid is a rare disease and research facilities for the same disease are not readily available in India. The institute as latest equipment's and facilitates for optimum results.”

4] Placing reliance on the above, the Applicant has sought for permission to go to Singapore to get the advise and treatment from Dr. Kwang Wet Tham at Singapore General Hospital for research and treatment of her disease Recurrent Uveitis probable Sarcoid. The aforesaid certificate indicates that the the applicant is suffering from the rear disease and such treatment is not readily available in India and that Singapore General Hospital has latest equipments and facilities for optimal result.

5] The learned APP has filed an Affidavit through the Police Inspector Vinayak Bhagoji Mer whereby he confirms the certificate relied upon by the Applicant. He asserts in para 10 as follows :

“I say that the present Applicant is belong to wealthy family. If the present Applicant will have leave India, it is possibility that the present Applicant will not return in India.”

6] In response to the aforesaid affidavit, the Applicant has filed further Affidavit in the Court today attaching her income-tax returns as well as stating that she is ready and willing to furnish additional cash surety and comply with any other condition that may be directed by this Court and further prayed that the eye treatment she requires is of an emergent nature and prayed for indulgence of this Court for being permitted to travel to Singapore.

7] In consideration of the aforesaid facts, we pass the following order :

ORDER

1] The condition imposed in bail order dated 30th August 2018 passed in Criminal Application No.774 of 2014, at clause 8(iii) shall remain in abeyance for a period of 45 days to enable the Applicant to visit Singapore for her treatment alone.

2] We make it clear that the Applicant shall provide the DCB CID Unit-1 as well as local police authorities the information of appointment with *Dr.Kwang Wei Tham* and thereafter she shall be permitted to travel to Singapore for a period of 45 days for treatment.

3] We further direct that the Applicant shall deposit additional cash security of Rs.5 Lakhs with the Registrar of this Court since the appeal is pending before this Court. The applicant shall also file an undertaking before the Registrar of this Court so also before the DCB CID Unit I and to the Local Police authorities indicating the date of travel and return from Singapore, so also itinerary about address and telephone number of the place at which the applicant shall be residing.

4] We make it clear that this order is being passed only for the purpose of enabling the Applicant to obtain treatment at Singapore and the applicant shall not be entitled to travel to any other country for any other purpose.

5] Accordingly, Criminal Application No.804 of 2019 stands disposed off.

[A.M. BADAR, J]

[INDRAJIT MAHANTY, J]