

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.848 OF 2021
IN
BAIL APPLICATION (STAMP) NO.1933 OF 2020

Jagdish Ramkrishamn Mookhey

Applicant

versus

The State of Maharashtra

Respondent

Mr.Zain J. shroff /by Y & A Legal Advocates for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th March 2021

PC :

1. This is an application for extension of bail granted to applicant on medical ground. The applicant was arrested in connection with CR No.86 of 2019 investigated by Economic Offences Wing. The applicant is senior citizen aged about 78 years.

2. The applicant was granted temporary bail on medical ground vide order dated 9th June 2020 by this Court. While granting bail for three months, this Court had considered health condition of applicant. Thereafter the application Interim Application (Stamp) no.1934 of 2020 was preferred for extension of bail granted by this Court. Considering health condition and the ailment of applicant, the bail was extended by further period of three months. Thereafter by order dated 17th December 2020 bail was extended by a period of three months.

3. The applicant has preferred this application for further extension of bail granted to him by a period of three months. It is submitted that the applicant suffers from various ailments. He is heart patient. It is submitted that the applicant faces audio-visual disturbances on examination by the Ophthalmologist and has diagnosed to have fully matured cataract both eyes and advised surgery. The audio symptoms are awaited by the ENT specialist for investigation and treatments.

4. Learned APP has submitted medical report about current health condition of applicant. In the Police report dated 14th March 2021 it is stated that the report about health condition of applicant for the period from 23rd February 2021 to 1st March 2021 would indicate that the applicant had undergone the tests and the medical officers have expressed opinions viz hospital indoor investigation, repeat 2D ECO, fresh ECG, blood culture and sensitivity test – blood culture and doctor's observation. It is also mentioned that the applicant is being treated by Dr.Mahesh Thakkar, who has mentioned as follows :

“My concern is that the patient is in hospital since the High Court order dated 9th June 2020. My advice is that he is required to be kept in hospital, as there is high risk of contracting disease and life threatening to be avoidable.”

5. Medical certificate issued by Dr.Mahesh Thakkar dated 2nd March 2021 has been annexed along with police report. The said certificate indicate that applicant was admitted in the hospital on 10th June 2020 for pre-diagnostic test for surgery. The tests were conducted after admission of the applicant-patient and the report

indicate that patient is asymptomatic as per Epigastric hernia at rest. Patient can tolerate semi solid light food. Patient c/o weakness, numbness of both lower limbs with difficulty in standing and walking associated with cramps have increased as per the orthopaedic doctor review and has high alerted the relatives and concerned team with paralysis of both lower limbs. Patient is still dyspnic on exertion (walking to the bathroom). The report also refers to the final observation of 1st March 2021. The certificate further mentions that patient has developed fresh complaints, such as, audio-visual disturbances and have fully matured cataract both eyes, patient has developed bacterial dysentery/diarrhea two times during hospital stay and was found to dental carries with infection of gums (abscess) as a cause of his dysentery. The patient is developing symptoms of depression may require psychiatric opinion, if there is no improvement found. Learned APP has also tendered certificate of Dr.Mahesh Thakkar dated 21st March 2021 which fortifies the report given by him. The police report, statement of Dr.Thakkar and medical case papers are taken on record and marked as “X” collectively.

6. Considering the aforesaid facts, interim bail can be extended by three months. Hence, I pass following order :

ORDER

- (i) Interim Application is allowed and disposed of;
- (ii) Interim bail granted to the applicant is extended by three months from 16th March 2021;
- (iii) The bail conditions stipulated in order dated 9th June 2020 passed in LD/VC/Bail Application No.50 of 2020 shall remain intact.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST