

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

CRIMINAL WRIT PETITION NO. 1983 OF 2021

Jenny Roweena w/o. Hany Babu

...Petitioner

vs.

The State of Maharashtra

...Respondent

Ms.Payoshi Roy a/w Ms.Chandni Chawla i/b. Dr.Yug Mohit Chaudhary for
Petitioner.

Mr.Sandesh Patil a/w Mr.Chintan Shah for Respondent – NIA.

Smt.A.S. Pai, PP a/w Mrs.S.D. Shinde, APP for State.

**CORAM : S.S. SHINDE &
N.J. JAMADAR, JJ.**

DATE : 17 AUGUST 2021

PC. :

1. Heard learned Counsels for the parties.
2. Perused the Medical Report submitted by Breach Candy Hospital.
3. The Consultant Ophthalmologist and Consultant Physician & Intensivist, Breach Candy Hospital Trust, where the husband of the Petitioner has been admitted, pursuant to the order passed by this court on 19th April 2021, have certified that the condition of Mr.Hany Babu Tharayil, an under-trial prisoner, has improved. He has recovered completely from Covid-19 and orbital cellulitis. He is fit for discharge. He does not require hospitalization any more.

4. Learned Counsel for the Petitioner submits that the Petitioner also reckons that the health of her husband has substantially improved and there is no necessity of further hospitalisation.

5. In view of the aforesaid medical report and the submissions on behalf of the Petitioner, we direct that Mr.Hany Babu, the under-trial prisoner, be discharged from Breach Candy Hospital and re-lodged in the prison.

6. In view of the nature of the ailment the prisoner had been suffering from, we direct the Superintendent, Talaja Central Prison to take the prisoner to JJ Hospital, as and when required.

7. In case of necessity of consultation with the consultants, who treated the prisoner at Breach Candy Hospital, the Superintendent, Talaja Central Prison is at liberty to consult those consultants.

8. As the petition has served its purpose, we dispose of the petition.

All concerned to act on an authenticated copy of this order.

(N.J. JAMADAR, J.)

(S.S. SHINDE, J.)