

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 114 OF 2021

Ganaji s/o Vishwanath Khadse

vs.

The State of Maharashtra through PSO, PS Washim (Rural) Dist. Washim

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M. P. Kariya h/f. Mr. A. P. Rathod, Advocate for
the applicant.

Ms. T. H. Khan, APP for respondent State.

CORAM : MANISH PITALE J.

DATE : 10th JUNE, 2021

Hearing was conducted through Video
Conferencing and the learned counsel agreed that the
audio and visual quality was proper.

2. The applicant has approached this Court
seeking grant of bail on medical grounds as he has
been behind bars in connection with FIR No.0049
dated 27/02/2019, registered at Police Station,
Washim (Rural), for offence under Section 302 of the
IPC.

3. The earlier bail application bearing Criminal Application (BA) No.561 of 2020 was filed by the applicant. The same was dismissed by order dated 18/09/2020 on merits by this Court observing that there were as many as 20 injuries on the body of the victim and the allegation was that the applicant had used an Axe, as a weapon to inflict the said injuries. The Axe was also recovered at the instance of the applicant. It was observed by this Court while dismissing the said application, with regard to the question of medical treatment as follows :-

“7. Insofar as the eye ailment is concerned, the applicant is entitled to proper medical treatment. The Jail Authority is directed to ensure that every possible treatment is made available to the applicant. The Jail Authority shall submit a report of the status of the applicant's health and the treatment provided, to the Registry of this Court within the next 30 days.”

4. In this regard, the learned counsel for the applicant submitted that despite such direction given by this Court, the respondent State had not ensured proper medical treatment to the applicant and that therefore, he was entitled to grant of bail on medical grounds. It was submitted that although initially the

applicant was referred to the J. J. Hospital at Mumbai for treatment, but no follow up treatment was undertaken for the medical conditions of the applicant pertaining to disease suffered in one of his eyes and also complaint of fistula. In response to the said allegations, the learned APP has brought to the notice of this Court documents on record dated 09/02/2021 showing that the departments of Ophthalmology and General Surgery of the J. J. Hospital, Mumbai had undertaken examination of the applicant for his medical complaints and that certain treatments were prescribed for the said conditions. This would indicate that the respondent State has taken steps to attend to the grievances of the applicant on medical grounds. Considering the documentary material placed on record on behalf of the State in this regard, this Court is not convinced that the applicant deserves to be enlarged on bail on medical grounds.

5. In view of the above, the application is dismissed. At the same time, the respondent State is directed to ensure that proper medical treatment is provided in the future also to the applicant.

JUDGE