

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.456 OF 2022**

Ashish Balkrishna Gupta ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Subhash Jha with Ms. Pooja Deshmukh, Mr. Raghavendra Mahrotra, for Applicant.
Ms. Veera Shinde, APP, for State.
Mr. N.D.Sawant, HC, Bangur Nagar Police Station present.

CORAM: N.J.JAMADAR, J.

**DATE : 11th MAY, 2022
(VACATION COURT)**

P.C.

1. Heard the learned Counsel for the Applicant and the learned APP for the State. By an order dated 19th April, 2022 this Court had directed the Superintendent, Taloja Prison, to submit a report regarding the medical condition of the Applicant and the treatment to be provided to him.

2. The Superintendent, Taloja Central Prison, has forwarded a report dated 23rd April, 2022 submitted by the Chief Medical Officer, Taloja Central Prison. Before advertizing to the contents of the report, it may be apposite to note that, in the past, the Applicant was released on temporary bail on account of the medical condition. The first order releasing the Applicant on temporary bail was passed

on 8th January, 2019. This Court by an order dated 5th May, 2021 continued the temporary bail till 30th June, 2021. The Applicant surrendered to prison on 5th July, 2021.

3. This Application is preferred with the assertion that, in the intervening period, the condition of the Applicant has further deteriorated. It seems the question as to whether the Applicant is in a position to defend himself, at the trial, also cropped upon for consideration before the trial Court.

4. In the aforesaid backdrop, this Court had directed the Superintendent, Taloja Central Prison to ascertain the present health status of the Applicant. The assessment of the Chief Medical Officer, Taloja Central Prison, reads thus :

“15) Present Health status : At present beside taking strict supervised medication his health condition is deteriorating. And due to acute psychotic episodes and dementia and not taking regular food and bath. It seems to be such patient requires proper care and medication from special care taker like his close family member to avoid further any untold event.”

4. The aforesaid opinion of the Chief Medical Officer of the Taloja Central Prison, indicates that the condition of the Applicant is deteriorating due to acute psychotic episodes and dementia. The Applicant requires proper care and medication from special care

giver. The material on record indicates that the Applicant was released on bail on medical grounds and has since surrendered, after the period of bail expired.

5. It would, therefore, be expedient in the interest of justice to release the Applicant on temporary bail for a period of 8 weeks. Hence, the following order :

ORDER

(i) The Applicant is directed to be released on bail in connection with CR No.I-179 of 2015 registered with Bangur Nagar Police Station, Mumbai for a period of 8 weeks only from the date of his release, upon furnishing a PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) While on bail, the Applicant shall mark his presence before the jurisdictional Magistrate on every alternate Monday and shall not leave the limits of Mumbai, without the prior permission of the jurisdictional Magistrate.

(iii) The Applicant is permitted to furnish cash security of Rs.25,000/- in lieu of personal surety for a period of four weeks.

(iv) The Application is accordingly disposed.

(N.J.JAMADAR, J.)