

*The order is corrected in terms of the order dated 16/03/2022*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.751 OF 2022**

Taukir @ Touqeer Hasan Khan .. Applicant

Versus

The State of Maharashtra .. Respondent

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Ms.Suvarna Avhad Vast for the Applicant.

Mr.P.H.Gaikwad, APP for the State/Respondent.

PSI Mr.P.B.Desai, attached to Malvani Police Station, present.

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**CORAM: BHARATI DANGRE, J.**

**DATED : 08<sup>th</sup> MARCH, 2022**

**P.C:-**

1. The applicant is charge-sheeted under Section 376(2) (N), 326, 506 of the IPC, Sections 4, 5 and 6 of the POCSO Act alongwith Sections 66E and 67 of the Information Technology Act.

2. Pertinent to note that on 29/10/2019, when the applicant put forth his case for release on bail, the application came to be withdrawn, since the Court was not inclined to grant him the said relief.

Considering the facts of the case and the limited number of the witnesses to be examined, the trial was directed to be expedited.

It is informed by the learned APP that now the charge is framed and the case is scheduled for evidence on 17/03/2022.

3. The learned counsel for the applicant would submit that the applicant deserve his release on bail on the ground of the medical emergency. She has placed on record several documents, indicating the ailment of the applicant and according to her, it requires immediate attention.

4. On perusal of the case history of the applicant, which has been placed before me, it is apparent that he has been referred to Grant Govt. Medical College & Sir J J Group of Hospitals from the year 2021 itself. He was subjected to 2D Echo and advised cardiac MRI for assessing the heart condition. The submission advanced is, this took considerable time, which made the condition of the applicant worst and, ultimately, MRI was done on 02/03/2022.

Perusal of the medical papers reveal that the Department of Cardiology, Grant Govt. Medical College and Sir J.J. Group of Hospitals, by letter dated 02/03/2022 addressed to the Jail Superintendent, Thane Central Prison, Thane, has recorded as under :-

“Patient will need CAG and fund of 3653/- for same. Patient will be admitted on 10/03/2022 for CAG. Currently he is hemodynamically stable and need to be continued medical management. Kindly sanction CAG fund and review on 10/03/2022.”

In the wake of the above communication from the Assistant Professor, Department of Cardiology, the patient is required to be admitted for Coronary angiography on 10/03/2022 and this will decide the future course of action, which will be a standard treatment in whichever hospital he is admitted.

5. The Jail Superintendent, Thane Central Prison, Thane shall act upon the said communication and sanction the required fund and in any case, ensure that the patient is admitted in the hospital on 10/03/2022 for the Coronary angiography. Sir J J Group of Hospitals shall ensure admission of the patient, since it seems that on various dates, he was asked to be admitted but, ultimately no admission was granted and he was returned back to jail. This incident should not be repeated and the hospital administration shall take necessary steps for admission of the applicant as an indoor patient for the purpose of conducting Coronary angiography, as scheduled.

The Jail Superintendent shall ensure that all necessary arrangement, including escort is made available to move the prisoner to the hospital on the given date and at the given time.

6. As far as the trial is concerned, since it was expedited by order dated 29/10/2021 and since the learned APP submits that there are 11 witnesses to be examined, the Special Court at Dindoshi shall ensure that Sessions Case No.0200330 of 2019 would be concluded within a period of six (6) months from today.

7. With the aforesaid directions, the application stands disposed of.

( SMT. BHARATI DANGRE, J.)