

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1602 OF 2022

Manish Kishor Agarwal .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Kuldeep Patil i/b Bhalchandra Shinde for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent/State.

CORAM : BHARATI DANGRE, J.
DATED : 27th MAY, 2022
(VACATION COURT)

P.C:-

1. The application is moved by the applicant seeking his release on temporary bail for a period of six months, on being charge-sheeted for an offence punishable under Sections 109, 143, 147, 149, 395, 307, 353, 332, 155, 324, 326 and 407 of Indian Penal Code along with Sections 4 and 5 of Maharashtra Prevention and Gambling Act and Section 65(e) of Bombay Prohibition Act and also under the relevant sections of Maharashtra Control of Organized Crime Act (MCOCA).

2 The application is moved on account of the ailment of the applicant, for which he was admitted in a Asian Multispeciality Hospital from 15.04.2022 to 21.05.2022.

2. The learned Counsel for the applicant placed on record that the relevant medical papers from Asian Multispeciality Hospital, Kohapur, where the applicant admitted as an indoor patient and received treatment for his right upper limb monoparesis, uncontrolled diabetic mellitus and uncontrolled hypertension. He has history of operated cervical spine surgery.

3 Perusal of the said report clearly reveal that he was administered conservative treatment in the form of physiotherapy, and oral anti hypertensive drugs as well as medicines and treatment for diabetic.

The said hospital on his discharge has advised regular physiotherapy and diabetic diet. The medicines which are to be taken by him are already prescribed in the discharge papers. The only difficulty posed is about physiotherapy being conducted, since the applicant has undergone cervical spine surgery in the past and is advised to undergo physiotherapy.

4 In the peculiar circumstances, but for this exercise, the health parameters of the applicant are under control and it do not warrant admission in the hospital, at this stage provided he is offered the prescribed treatment, being physiotherapy.

The applicant is presently housed in Kolhapur Central Jail. The Jail Superintendent of the Kolhapur Central Jail is therefore directed to permit physiotherapy treatment to the

applicant, if an in-house facility is available in the hospital attached to the prison or if required physiotherapist from Government Hospital or private hospital can be summoned so as to offer his services to the applicant.

5 The present application which seek release of the applicant on temporary bail therefore, do not deserve to be entertained, at this stage and it is rejected.

(SMT. BHARATI DANGRE, J.)