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

INTERIM APPLICATION NO. 517 OF 2021

IN

WRIT PETITION NO. 4264 OF 2017

Subhash Babu Gaddam

...Applicant

Versus

The State of Maharashtra & Ors

...Respondents

- Dr. Uday P. Warunjikar for the Applicant.
- Mr. J.P. Yagnik, APP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : JANUARY 31, 2022.

PER COURT :

1. The Writ Petition is filed challenging the order of sanction granted for initiation of proceeding against the Petitioner under Section 23(2) of MCOC Act of 1999, issued by the Commissioner of Police dated 01.04.2017.

2. During the pendency of the Petition, an application was filed for release of the Applicant on interim bail on medical ground. It may not be out of place to state that the Applicant had approached the learned Special Court by submitting an application for

release on medical grounds and the Application for temporary bail was rejected by the learned Special Judge vide order dated 04.09.2021. Learned Special Judge in the order made it clear in clause 2 that in case, if medical condition of the applicant requires that he be treated by expert doctors then the applicant will be taken to Sassoon General Hospital for treatment without waiting for direction from the Court.

3. Interim application was listed before this Court on various dates and ultimately on 13.01.2022, on considering the report submitted to this Court it was observed by this Court that the Applicant was subjected to extensive medical examination and his most of the reports were normal.

4. In paragraph 3 of the order dated 13.01.2022 there is a details reference to various dates and reports were made. It is observed by this Court that as per the medical reports the physical condition of the applicant and his vital parameters are within normal limits and the Applicant does not need to be referred to Sassoon General Hospital, Pune and as and when his physical condition demands, the Applicant will be refer

to Sassoon General Hospital, Pune.

5. Though, this Court was satisfied with the report submitted to this Court, only considering the submissions of learned Counsel Dr. Warunjikar appearing for the Applicant that the latest health condition of the Applicant is not known, and the reports were of three months earlier to the order, this Court thought it fit to call for a latest report. Accordingly, latest report of the Applicant is placed on record and the same is taken on record and marked 'X' for identification.

6. Perusal of the report show that the Applicant was subjected to medical examination on 25.01.2022. All the medical parameters are within limits. It may not be out of place to state that the Applicant was subjected to abdominal sonography for four times. His chest x-ray was also taken on periodical basis. It is specifically stated in the report that the present health status of the applicant is stable and it is further stated that the treatment facility with his ailment is available in Government Hospital and as and when his physical condition demands he would be referred to Sassoon

General Hospital, Pune.

7. We may also refer to clinical diagnosis and it reads thus:

10. **Clinical Diagnosis:** At present complaint on mild regurgitation post meal. No other complaint, gastro entropology advise medication and follow up after one month, his CBC within normal limit. Vitals stable. USG abdomen normal.

8. Now there is also an advice to the applicant and it reads thus: 'avoid spicy food and tobacco chewing'.

9. Considering all these facts, we are of the opinion that the grievance raised in the Application no more survives. The Interim Application is merit-less, deserves to be rejected. Accordingly, Interim Application is rejected.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)