

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2318 OF 2022

Sushil Prabhakar Sathe ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Vinod Kashid instructed by Mr. Sumit Bhoite for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

PSI Sudam Patil, Crime Branch, Mumbai, present.

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CORAM : N.R. BORKAR, J.

DATED : 9 DECEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 163 of 2019 registered at Kalamboli Police Station, for the offence punishable under Sections 435, 440, 285, 286, 308, 201, 120-B r/w. 34 of Indian Penal Code and Section 4(A)(B)(1) of the Explosive Substance Act, 1908.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. Pursuant to the order passed by this Court dated 30 November 2022, the learned APP has tendered a report of the Chief Medical Officer, Talaja Central Prison, Navi Mumbai. The same is taken on record and marked 'X' for identification. The said report reads thus :

Date-08.12.2022

PRISONER'S MEDICAL REPORT

01) Reason/Purpose of Medical Report:- As per Hon'ble Court Order dated 30.11.2022 Bail Application No.2318/22.

02) Under Trial/Convict No:- 314/22

03) Name Of Prisoner:- Sushil Prabhakar Sathe

04) Age & Sex:- 39 years/Male.

05) Date & Time Of Examination:- 08.12.2022

06) Present Complaints (If Any):- B/L Elbow Pain, Swelling and Restricted Range of Motion; B/L Knee Pain, Swelling and Restricted Range of Motion; Recurrent Hematuria, Bleeding Gums, Toothache

07) Past Illness/Accident/Operations (If Any):-
K/c/o Severe Hemophilia-B,
H/o B/L TKR + Right Distal Femur Plating with Screw Fixation (2010)
H/o Pseudotumour Excision in 2015.

08) Clinical Findings:-
A) General Examination

Observation	Details
Pulse Rate	78/min
BP	140/90
RR	18/min

09) Clinical Diagnosis: K/c/o Severe Hemophilia-B + B/L Knee Chronic Hemarthrosis + B/L Elbow Chronic Hemarthrosis + B/L Non-Obstructive Renal Calculi + Grade-I Fatty Liver + Dental Caries

10) Medical Facilities Available In Prison Hospital:-
(Whichever is available the same will be tick marked)

1	Multipara Monitor	✓	2	ECG Machine	✓
3	Glucometer	✓	4	Liver Function Test	X
5	Sputum Exam	✓	6	Urine Test	X
7	Dengue Rapid Test	X	8	Malaria Rapid Test	X
9	X-Ray Facility	X	10	Dental Services	✓
11	Renal Function Test	X	12	Nebulization	✓
13	Proctoscopy	X	14	ICTC lab for HIV	✓
15	General ward	✓	16	Isolation Ward	✓
17	Psychiatric ward	✓	18	In House Ambulance Service	✓
19	Prison Psychiatrist	✓	20	Emergency Kit with Oxygen	✓

> Oxygen concentrators (3) available at Talaja Prison Hospital in case of emergency.

> Dengue Rapid Test, Renal Function Test, Liver Function Test, Urine Test, Malaria Rapid Test, these tests were done weekly by Lab Technician, Civil Hospital, Alibaug.

> X-Ray Facility is available at FRU-MGM Hospital, Vashi & MGM Hospital, Kamothe. Prisoners are referred to the above facility center for X-rays.

- Visiting Physician, SDH Panvel is available weekly at Talaja Central Prison Hospital.
- Visiting Dentist along with Mobile X-ray Van is available weekly at Talaja Central Prison Hospital.
- Every week Psychiatrist, Civil Hospital Alibaug is available for Psychiatric OPD at Talaja Central Prison.
- ICTC Lab Technician and Counsellor is available at Talaja Central Prison every week for investigations, treatment and counselling.

11) **Treatment Given:-** Inj. Factor IX, Tab. Myospas Forte, Tab. Pantoprazole, Tab. Paracetamol, Tab. Shelcal, Tab. Etoricoxib.

12) **Medical Advice (If Any):-** Left Eye Cataract Surgery

13) **Referral To Higher Center (If Any):-**

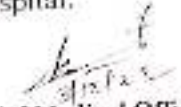
- Prisoner was referred and sent to K.E.M. Hospital, Mumbai on following dates for his medical ailments:- 31.07.2019, 30.10.2019, 13.11.2019, 14.12.2019, 18.02.2021, 10.03.2022, 04.04.2022, 15.04.2022, 02.06.2022, 06.06.2022, 25.07.2022, 20.09.2022, 29.10.2022, 31.10.2022.
- Prisoner was referred and sent to NMMC Hospital, Vashi on following dates for his medical ailments:- 11.01.2020, 08.12.2021.
- Prisoner was referred and sent to Thane Civil Hospital, Thane on following dates for his medical ailments:- 22.01.2020, 22.02.2020, 07.03.2020.
- Prisoner was referred and sent to Sir JJ, Group of Hospitals, Mumbai on following dates for his medical ailments:- 15.11.2021.
- Prisoner was referred and sent to Govt. Dental College & St. Georges Hospital, Mumbai on following dates for his medical ailments:- 15.06.2022.

14) **Present Health Status:-** As Patient is a K/c/o Severe Hemophilia-B, which is a rare genetic disorder which has resulted in B/L Knee Chronic Hemarthrosis with B/L Elbow Chronic Hemarthrosis, thus damaging the Knee Joint & Elbow Joint of Both sides.

Patient is suffering from B/L Elbow Pain, Swelling and Restricted Range of Motion; B/L Knee Pain, Swelling and Restricted Range of Motion; Recurrent Hematuria (Urological Surgical Intervention suggested by KEM for the same). Bleeding Gums, Toothache (Dental Extraction advised)

Patient is currently in a severe debilitated state and his Condition is deteriorating day by day, despite medical treatment. Administration of Inj. Factor IX was not available at KEM Hospital, Thane Civil Hospital, and Jail Hospital due to this reason jail authority purchase from private source 2 to 3 times.

Patient has also been prescribed Regular Physiotherapy & Occupational Therapy. As the said prisoner has severe coagulopathy, episodes of bleeding diathesis are difficult to control and may be life-threatening. Management of such Rare Severe Debilitating Disorder is better treated at a Super-Specialty Hospital.


Chief Medical Officer
Taloja Central Prison
Navi Mumbai

5. The learned APP submits that considering the health condition of the applicant appropriate order may be passed. Considering the critical health condition of the applicant, I am inclined to release him on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Sushil Prabhakar Sathe be released on bail in Crime No. 163 of 2019 registered at Kalamboli Police Station, for the offence punishable under Sections 435, 440, 285, 286, 308, 201, 120-B r/w. 34 of Indian Penal Code and Section 4(A)(B)(1) of the Explosive Substance Act, 1908 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

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