

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 2458 OF 2022**  
**IN**  
**BAIL APPLICATION NO. 1251 OF 2022**

Arun Purshottamdas Upadhyay .. Applicant  
Versus  
The State of Maharashtra .. Respondent  
...

Mr.Avinash Gupta, Sr. Advocate with Akshay Vani, Shantanu Phanse and Manan Jaiswal i/b MLS Vani and Associates for the applicant.

Mrs.Rutuja Ambekar, APP for the State.

**CORAM: BHARATI DANGRE, J.**

**DATED : 28<sup>th</sup> JULY, 2022**

**P.C:-**

1 In compliance with the earlier direction, the learned APP has placed on record the relevant papers from Sir J.J Group of Hospitals and Grant Medical College, Mumbai, where the applicant was admitted as an indoor patient on 15/7/2022 and he came to be discharged on 24/7/2022.

The copy of the discharge card placed on record and marked as “X” for identification, reflect that a 2D Echo was done on 16/7/2022, and it is reported that the applicant has a case of hypersensitive heart disease with rheuma L.V. function EF 45 x

50%. An Ultra-sonography was also done and it diagnosed mild prostatomegaly with Grade-I fatty liver.

With the diagnosis being done, the patient has been asked for repeating the reference, but is reported to be vitally and Hemodynamically better with controlled Blood Pressure and sugar levels, and hence came to be discharged with the medication that was prescribed. As on date, there is no medical emergency which would warrant release of the applicant on bail on medical grounds.

2           The learned senior counsel make a request to make available reports of the test which have been carried out so that his family can consult the Doctor about any change in medication or about any further clinical treatment.

I see no reason to decline the said request.

Copies of the necessary medical papers from J.J. Hospital be made available to the applicant within one week.

3           As the medical exigency do not exist, the application do not deserve it's consideration on the said ground. However, liberty is reserved in the applicant to make a request in case of any medical emergency.

Interim Application No.2458/2022 is disposed off.

4           As far as the merits of the application are concerned, since the offence invoked is under the provisions of MCOCA, let

the learned APP file an affidavit within a period of two weeks from today.

5           It is informed that in case of co-accused Vivek Manjrekar in Bail Application No.868/2022, the learned APP has filed an affidavit and the matter is kept for hearing on 4/8/2022. If possible, the learned APP is requested to file affidavit in this application also on or before 4/8/2022.

Re-notify to 4/8/2022.

( SMT. BHARATI DANGRE, J.)