

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2487 OF 2022

Ramesh C. Bawa] .. Applicant
vs.
Serious Fraud Investigation Office & Anr.] .. Respondents

Dr.Sujay Kantawala a/w Sajal Yadav, Anukul Seth, Sujit Sahoo, Aditya Jalpade, Harsh Ghangurde i/b Raj Raut for the Applicant.

Mr.H.S. Venegaonkar, for Respondent No.1.

CORAM : BHARATI DANGRE, J

DATE : 30th SEPTEMBER, 2022.

P.C.

1] By the present Application, the Applicant seek his release in the wake of accusations faced by him at the hands of Serious Fraud Investigation Office, wherein, he came to be arrested on 13.04.2019.

The Applicant being 69 years old, during his incarceration suffered from severe bleeding through anus due to piles for several months and he was unable to rest in any posture. He was on medication and was in and out of the J.J. Hospital for treatment. He also suffered from hypertension and lower back pain and his health went on deteriorating. His gastro also was inflamed, resulting in visiting the toilet at least 4 to 5 times a day. He suffered from extreme weakness and inability to walk.

When he was referred to Saint George Hospital for fresh examination, mass of cancerous origin adenocarcinoma was detected

in colon and the report to that effect dated 10.05.2022 is placed on record.

2] The Applicant approached the Special Court seeking permission to take treatment in private hospital and on 11.07.2022 an order was passed in his favour. The Additional Sessions Judge, taking note of his deteriorating condition permitted him to avail facility of private hospital of his choice and also exempted him from all necessary charges of the police squad to guard him.

3] On the last day of hearing, the Applicant was directed to produce on record status of the Applicant and accordingly the report of Chief Medical Officer, Taloja Central Prison has produced on record a report dated 22.09.2022. The report from Nanavati Hospital dated 20.06.2022 is also produced on record. It is informed that at present, the Applicant is admitted as indoor patient in Dr.Das Hospital in Mumbai and the Medical report dated 20.09.2022 is also placed on record.

4] The report indicate that he is undergoing chemotherapy and due to this, he has significant side effects of dizziness, hypotension, peripheral edema, reduced appetite and hyperpigmentation. It is reported that he is also on blood thinners and supportive medications to improve his hemoglobin which will help him to regain some strength in order to be independent.

5] The learned counsel Mr.Venegaonkar do not dispute the present status of the Applicant. He would submit that no doubt, the Applicant is serious and require constant monitoring and though he has expressed concern about the health of the Applicant, but at the same time, he

submits that if at all the Applicant is released on bail, appropriate conditions may be imposed.

6] The learned counsel for the Applicant states that the Applicant is likely to continue his stay in Mumbai, so that he can remain in touch with the treating doctors, as he may be required to report for chemotherapy. He also states hospitalization may not be necessary as he has to deal with the side effects, and in the safe atmosphere of the house, he can be cured in a better way.

7] Keeping in mind the deteriorating condition of the Applicant and after dealing with the aforesaid facts, I deem it appropriate to release the Applicant on temporary bail of 8 weeks, as a mark for some empathy towards him in the wake of ailment, which he suffers from.

In any case, the Investigating Officer shall keep a supervision over his stay in the house and considering his health condition, he need not apprehend, that the Applicant is likely to flee.

Hence, the following order :

ORDER

(a) Application is partly allowed.

(b) Applicant – Ramesh C. Bawa shall be released on temporary bail for a period of 8 weeks bail in Company Petition No.20/2019 pending before the learned Special Court, on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.

(b1) The Applicant shall be released on cash bail of Rs.50,000/- for a period of two weeks in lieu of sureties. During the said period the applicant shall arrange for the sureties.

(c) The Applicant shall furnish the address where he is likely to continue to stay for further period of eight weeks, in advance to the Investigating Officer.

He shall also provide the contact numbers of the relatives who are going to attend to him.

(d) The Investigating Officer is at liberty to depute police personnel to confirm the presence of the Applicant on the given address, any time during 10.00 a.m. to 6.00 p.m.

[BHARATI DANGRE, J]