

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3933 OF 2021

Papa @ Vinod Madhukar Karosiya ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Vivek Arote for the Applicant.

Mr. N.B. Patil, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

1. The Applicant is facing prosecution for offence punishable under Section 302,307, 452, 453 120-B, 201 read with Section 34 of IPC. The bail application No. 3348 of 2019 filed by the Applicant on merits has been rejected by this Court on 21.08.2020. The present application is filed for bail on medical ground.

2. Heard the learned counsel for the parties.

3. The learned APP has tendered a medical report of the Applicant dated 21.12.2021 from the Chief Medical Officer,

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Nashik Road Central Prison, which is taken on record and marked “X” for identification.

4. The report shows that the Applicant has been diagnosed with sub acute obstruction of the intestine. The Applicant was complaining of generalised weakness with loss of appetite and vomiting. The report further shows that the ailment of the Applicant is managed conservatively and it has been treated at Civil Hospital at Nashik on 15.04.2021.

5. The learned counsel for the Applicant states that even today the Applicant is admitted and is being treated at Civil Hospital at Nashik.

6. Looking to the medical report, the nature of ailment and the fact that Applicant is being treated at Civil Hospital, Nashik, I do not find a case for release of the Applicant on bail on medical ground is made out.

7. The learned counsel for the Applicant submitted that the Applicant may opt for treatment in a private hospital, if released on bail. Even here the Applicant can apply to the concerned Court for a treatment in a private hospital, if so advised.

8. The application is accordingly rejected.

9. However, it would be open to the Applicant to move to the learned Magistrate or to the learned Sessions Judge as the case may be (if the matter is already committed to the Court of Sessions) to apply for treatment in the private hospital at his own costs, if such treatment is advised by the Medical Superintendent of the Prison Hospital or the Civil Hospital, concerned. If such an application is made, the Court shall pass appropriate orders on its own merits and in accordance with law.

(C.V. BHADANG, J.)