

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4561 OF 2023
IN
CRIMINAL APPEAL NO.256 OF 2018

Manish Devidas Jadhav

Applicant

versus

The State of Maharashtra

Respondent

Mr.Raju Suryawanshi, Advocate for Applicant.

Mrs.M.H.Mhatre, APP, for State.

CORAM : PRAKASH D.NAIK AND
N.R.BORKAR, JJ.

DATE : 18th December 2023

PC :

1. The Applicant is seeking bail for temporary period on medical ground. Applicant has been convicted for the offence u/s.302 of Indian Penal Code and sentenced to suffer for life.

2. Learned advocate for Applicant submitted that Applicant is suffering from heart ailment. He has undergone angiography. He is required to undergo angioplasty. Applicant intends to perform angioplasty in private hospital. Applicant is in custody for a period of about eight years. Hence temporary bail may be granted to the Applicant.

3. Report of CPR Hospital, Kolhapur, states that the Applicant has undergone angiography and angioplasty is required to be conducted.

4. Learned APP submitted that angiography is performed on Applicant at CPR Hospital. Considering the emergent situation and necessity, the Government had sanctioned amount of Rs.80,000/- for

angioplasty which has been deposited in CPR Hospital, Kolhapur for conducting angioplasty of Applicant. However, Applicant has refused to undergo angioplasty at CPR Hospital and has indicated that he would conduct the same at the hospital of his choice. Applicant is not interested in performing angioplasty at CPR Hospital, Kolhapur.

5. Report dated 13th December 2023 issued by Medical Officer, Kolhapur Central Prison was submitted to this Court. The said report refers to the history of illness of applicant, medical investigations conducted upon him which shows that there was intraventricular conduction block, severe left ventricular dysfunction with mild mitral regurgitation with thinned A/AS/AL with left ventricular ejection fraction of 25%. The report dated 14th December 2023 issued by Department of Medicine, CPR Hospital mentions that angiography has been performed on Applicant and needs to undergo angioplasty. The report also refers to the fact that Applicant is apprehending danger if angioplasty is performed at the said hospital.

6. The medical reports indicate that Applicant has undergone angiography and required to undergo angioplasty. It is also apparent that Applicant intends to undergo angioplasty at private hospital. Considering the factual aspects of the matter, we are inclined to grant temporary bail to the Applicant to enable him to undergo angioplasty at private hospital.

ORDER

(i) The substantive sentence of imprisonment imposed vide judgment and order dated 23rd January 2018 passed by learned Sessions Judge-5, Thane in Sessions Case No.135 of 2015 is suspended and Applicant is directed to be released on temporary bail of three months from the date of release on executing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (ii) The CPR Hospital, Kolhapur is directed to hand over all the medical papers including C.D of angiography to Applicant or his representative;
- (iii) Applicant shall surrender to jail on expiry of three months;
- (iv) Applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of four weeks;
- (v) Interim Application is disposed off.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

MST