



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4097 OF 2023

AJAY AJIT PETER KERKAR

..APPLICANT

VS.

CENTRAL BUREAU OF
INVESTIGATION AND ORS.

..RESPONDENTS

Mr. Amin Solkar a/w Mr. S.J.Khera, for the Applicant.

Ms. Veera Shinde, APP for the State.

Mr. Shreeram Shirsat, SPP a/w Ms. Tanvi Mate, Mr. Shekhar Mane, Mr. Tanveer Khan, Ms. Reshma R., for Respondent No.1.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 409, 418, 465, 467, 468, 420, 421, 422, 471, 477A, 120B of the Indian Penal Code, 1860 in connection with Criminal Case No. EOW in FIR No.4700313 of 2021 (E.O.W.- C.R.No. 36 of 2020) registered with Cuffe Parade police station. The applicant was arrested on 26/11/2020.

3. Various reliefs have been claimed in this application. My attention is invited to the order dated 02/11/2023

passed by this Court earlier. It is the grievance of learned counsel for the applicant that despite the specific discharge summary of the Bombay Hospital dated 02/11/2023 which provided follow-up after 7 days with Dr.Pravin Amin with all printed and pending reports, the applicant has not been taken to the Bombay Hospital.

4. Learned APP while opposing the application for bail submitted that a report of the jail hospital indicating that patient was admitted at the Bombay hospital as per this Court's order from 16/06/2023 and discharged on 02/11/2023. As regards the present health status, it is mentioned as under:

"Patient is continued on medication as advised by Bombay Hospital. He is stable on medication at present. His follow up with Bombay Hospital as specific appointment has not been received from Bombay Hospital or through the patient's family. He will be send to the hospital as per appointment when received for follow up or in case of emergency."

5. Learned APP therefore submitted that there is no specific requisition of Bombay Hospital or from the patient's family for taking him to Bombay Hospital for check-up. It is further submitted that when enquiry was made with the Bombay Hospital by the officer concerned, it was reported

that the concerned doctor is on leave at present. Learned APP submitted that the prison authorities have no difficulty in producing the applicant before Bombay Hospital provided the reason is genuine. Learned APP assured this Court that proper medication is provided to the applicant.

6. In view of the report dated 02/11/2023 which is at page 181 of the paper-book, purely on humanitarian ground and considering that the applicant was admitted for a long duration at the Bombay Hospital, it would be appropriate if the applicant is taken up for follow-up to the Bombay Hospital to the concerned doctor or any other doctor expeditiously within one week from today.

7. The patient's family may obtain an appointment from the concerned doctor and intimate to the prison authorities/hospital the date and the time of the appointment in advance so that appropriate arrangements can be made by the prison authorities/hospital to ensure that the applicant is taken up for the follow-up treatment/check-up to the Bombay hospital.

8. The application is disposed of.

9. List the application on 03/01/2024 for compliance.

10. Liberty to apply during vacation if necessary.

(M. S. KARNIK, J.)