

07.03.2024
SL No.9
Court No.8
(gc)

WPA (H) 17 of 2024

Md. Jasim
Vs.
The State of West Bengal & Ors.

Mr. Manjit Singh,
Md. Malik Uddin
...for the Petitioner.
Mr. Rana Mukherjee,
Mr. Simanta Kabir
...for the State.
Mr. Tanoy Chakraborty
...for the Respondent No.5.

1. The writ petitioner alleged that the respondent No.5, Islamia Medical Institute has wrongfully detained his mother as the payments of the hospital bills have not been made. The record produced by the State as well as the hospital shows that she has been diagnosed with Sepsis, chronic kidney disease with type 2 DM with G.I bleed, CLD. with LVF. and she is on regular Hemodialysis.
2. The learned Counsel for the hospital submits that considering the condition of the patient unless a bond is executed by the petitioner or on her behalf the patient cannot be released.
3. The learned Counsel for the petitioner submits that the petitioner shall execute a bond in favour of the institute for the release of her mother. The learned Counsel for the

petitioner further submits that the mother of the petitioner is having a Swastha Sathi Card and the private respondent No.5 cannot disregard the said card for the purpose of extending the treatment to the petitioner.

4. However, at this stage, we are not going into the claims and counter-claims with regard to the payments required to be made on discharge of the patient. The claims between the parties may be adjudicated in appropriate forum in accordance with law. However, the non-payment of the bills should not stand in the way in releasing the patient upon executing a bond by the son of the patient.
5. The mother of the petitioner shall be released in course of the day subject to the petitioner executing a bond by 4.00 p.m. today.
6. Since no affidavit-in-opposition is filed, all allegations are deemed to have been denied.
7. Accordingly, the habeas corpus petition is disposed of.
8. The parties shall act on the basis of the server copy.

(Uday Kumar, J.)

(Soumen Sen, J.)