



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2735 OF 2024
IN APPEAL/401/2024**

Hasan Amir Raje

Age: 63 years, Occu.: Agriculture,

R/o. Opp.Anand Hospital,

Navi Peth Road Parner,

Tq.Parner, Dist.Ahmednagar.

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Nilesh S. Ghanekar

APP for Respondent : Mrs.Chaitali Choudhari - Kutti.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 22 JULY, 2024

PRONOUNCED ON : 24 JULY, 2024

ORDER :-

1. Convict for offence under Sections 177, 406, 409, 420 read with 34, 465, 467 read with 471 read with 34 and 120-B of the Indian Penal Code (IPC) and under Section 3 of the Maharashtra Protection of Interest Depositors (In Finance Establishment) Act, has set up prayers for grant of temporary bail on medical grounds.

2. Learned Counsel for the applicant pointed out that applicant is 63 years of age. He was tried and held guilty for above said offences and he is currently lodged in Nashik Road Central Prison, Nashik. He

pointed out that applicant is patient of coronary heart disease. That, though he has undergone angioplasty, the operation did not go successful and he continued to suffer heart ailment. That, even Jail report shows that there is need for further treatment. That, coupled with this, there are mental ailments also. That, now applicant intends to approach new hospital. That, appointment of two Doctors has already been taken. That, said hospital has fixed the appointment on 25-07-2024 and 26-07-2024 between 11.00 a.m. to 02:00 p.m. Therefore, on medical grounds, learned Counsel prays for temporary bail for a period from 25-07-2024 to 30-07-2024 so as to enable applicant to get medical aid urgently.

3. While opposing above application, learned APP submitted that applicant, though diagnosed of heart and mental ailments, he has already been treated. That, there are psychological problems. That, for both such ailments, there is facility at Nashik itself. That there is no need for sending him to Ahmednagar. However, learned APP submitted that if at all Court is inclined to grant temporary bail, then she prays that applicant must pay necessary escort charges and that considering nature of guilt recorded, applicant may not be released without Police escort as there is every possibility of misuse of liberty.

4. Heard both sides. Admittedly, by virtue of trial conducted in Sessions (MPID) Case No.323 of 2011, applicant is held guilty for aforesaid offences and he is sentenced to suffer maximum sentence of ten years and to pay fine. Previously this Court has rejected prayers of applicant for suspension of sentence and grant of bail. Now, temporary bail is sought on medical grounds. Medical papers on record show that, he is diagnosed for heart ailment and he has already undergone angioplasty in Saideep Healthcare and Research Pvt.Ltd., Ahmednagar.

But Column no.10 of the Prisoner's Medical Report received from Nashik Road Central Prison, dated 17-07-2024 shows present health status of applicant as under :

“10. Clinical Diagnosis – Unstable Angina, Single Vessel Disease (LAD with Branch Vessel Disease), Hypertension, Non-Obstructing Calculus, Prostatomegaly, (Stricture of Urethra), Psychiatric illness with Depression.”

5. Therefore, it is clear from above record that, though diagnosed and operated earlier, applicant is still experiencing aforesaid health issues and as such his medical problem does not seem to have been settled or resolved.

6. Statement is made across the bar that now applicant intends to

approach another hospital by name Maccare Super Speciality Hospital, Ahmednagar for reevaluation. The said paper issued by Maccare Super Speciality Hospital, Ahmednagar shows that appointments of two Doctors i.e. Cardiologist and Neuro Surgeon are fixed on 25-07-2024 and 26-07-2024 between 11:00 a.m. to 02:00 p.m. The communication issued by hospital, which is marked as exh. "A" does show that said hospital has fixed appointment on the aforesaid dates.

7. Therefore, considering the Jail report, which also reflects health issues of applicant, case is made out for temporary bail in the form of some concession on medical ground for enabling the applicant to pay visits to Doctors at Maccare Super Speciality Hospital, Ahmednagar on 25-07-2024 and 26-07-2024. Hence, following order is passed.

ORDER

- (i) Applicant Hasan Amir Raje is permitted to be taken from Nashik Road Central Prison, Nashik to Maccare Super Speciality Hospital, Ahmednagar on 25-07-2024 and 26-07-2024 for necessary medical investigation subject to he paying necessary escort charges. He needs to reach the hospital at 11.00 a.m. on both days.

(ii) Applicant to furnish his itinerary with detail address of his stay at Ahmednagar during 25-07-20224 and 26-07-2024, to the Superintendent, Nashik Road Central Prison, Nashik.

(iii) In advance, the applicant is to deposit the charges for conveyance and escort and thereafter, he is to be taken out of the Jail.

(iv) On 26-07-2024, after the scheduled medical investigation is over, applicant be taken back to the Jail.

(v) Criminal Application is disposed of.

(vi) Parties to act on authenticated copy of the order.

(ABHAY S. WAGHWASE)
JUDGE