

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

CRIMINAL WRIT PETITION NO.146 OF 2024

Sagar Ganpatrao Lohar

.... Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

.....

Ms.Madhavi Ayyappan i/b. M/s. Talekar & Associates, Advocate for the Petitioner.

Mrs.P.P. Shinde, APP for Respondent – State.

Mr.B.M. Tadavi, Jailor Gr.II, Kolhapur Central Prison, present.

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***CORAM REVATI MOHITE DERE &
 : MANJUSHA DESHPANDE, JJ.***

DATE : 30th JANUARY 2024

P.C. :

Heard learned counsel for the parties.

2 By this Petition, the petitioner seeks his temporary release for a period of three months to undergo Coronary Angioplasty, as

recommended by the Doctor. Prayer Clause (A) is pressed, in view of the statement made by the learned APP, that prayer Clause (B) cannot be granted.

3 Perused the Petition. It is not in dispute that the petitioner is a convict, who has been convicted by the trial Court, and, his conviction is confirmed by the High Court as well as the Supreme Court.

4 It also appears that when the petitioner was released on furlough on 20th July 2023, he suffered certain health ailments including sever pain in the chest. According to the petitioner, during his release on parole, the petitioner being a senior citizen, undertook complete health check up and treatment at Aster Aadhar Hospital at Kolhapur. It is submitted that the petitioner, while undergoing certain tests was diagnosed with abnormalities in liver and gall-bladder, and, the petitioner was also diagnosed as suffering from CAD-LM and Double Vessel decease. To the petition, is annexed the medical report

of the petitioner. Considering the medical reports of the petitioner, the petitioner was advised 'Coronary Angioplasty', at the earliest. According to the petitioner, again on 17 August 2023, he was required to go to the hospital due to severe pain in the chest. He has stated that Dr.Choudhari examined him, and prescribed tablets, and once again recommended and advised him to undergo CAG-LM, at the earliest, failing which there was a life threatening risk. According to the petitioner, he could not undergo CAG, as recommended by the Doctor, as his furlough leave was expiring on 18 August 2023.

5 Learned counsel for the petitioner submits that although an oral request was made by the petitioner to the Jail Authorities for extending his furlough leave, the same was not considered, and, hence, the petitioner reported back to the prison on 18 August 2023, without undergoing CAG.

6 Learned counsel for the petitioner submitted that the petitioner's health is deteriorating day by day, and, hence, the

petitioner preferred an application to the Superintendent of Prison, Kolhapur Central Prison, the Additional Director General of Police and Inspector General of Prisons and Correctional Services, Maharashtra State, Pune, and, requested them to grant emergency parole, on account of medical emergency on 28 August 2023. According to the learned APP, the petitioner is not entitled to emergency parole.

7 Hence, learned counsel for the petitioner presses for release of the petitioner for a period of three months to enable the petitioner to undergo CAG. Learned counsel for the petitioner, on instructions, states that as soon as the petitioner's is released for a temporary period, the petitioner will go and get all the medical tests done, and his Angioplasty, at the earliest, as advised by Dr.Chouchari. Statement accepted.

8 We have perused the medical reports of the petitioner. It appears that the petitioner has been advised to undergo,

“Option 1 : Coronary Artery Bypass Grafting. Option. 2 : PTCA÷S-> LM-LAD-LCX bifurcation.”

9 In the peculiar facts, considering the medical condition of the petitioner i.e. he has pain in his chest and is not keeping good health, we release the petitioner for a period of one month from the date of his release on the following terms and conditions:-

:: ORDER ::

- (i) The petitioner be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

10 Stand over to 13th February 2024.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.