



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1524 OF 2024**

Amar Sadhuram Mulchandani ... Applicant
versus
Directorate of Enforcement and Anr. ... Respondents

Mr. Sudhanva S. Bedekar, i/by Mr. Sarfaraz Shaikh, for Applicant.
Mr. Aayush Kedia i/by Mr. H.S.Venegaonkar, for Respondent No.1.
Mr. Prashant P. Jadhav, APP for State.
Mr. Naresh Shamnani, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 8 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This application is preferred for bail on medical ground. In the alternative, the applicant has prayed for permission to avail treatment at Ruby Hall Clinic, Pune.
3. There is a prelude to this application. The applicant has initially filed an application for bail on medical grounds. By an order dated 11 March 2024, this Court rejected the prayer for bail on medical ground. This Court, however, directed the Superintendent of Central Prison, Mumbai to take the applicant to Sir J.J.Group of Hospitals for treatment immediately. The said order was challenged by the applicant in SLP (Cri) No.4246 of 2024. The SLP came to be dismissed and the Petitioner was, however, granted liberty to file a fresh application for bail.

4. The applicant was admitted in Sir J.J.Group of Hospitals on 26 March 2024. The applicant, it seems, suffered a mild heart attack warranting further evaluation, like coronary angiography. The applicant has not given consent to avail the said treatment at Sir J.J.Group of Hospitals. Hence, this application seeking bail on medical ground and, in the alternative, to permit the applicant to have treatment at a private hospital.

5. Learned Counsel for the applicant, on instructions, at this stage, presses for the alternate prayer clause (c) only.

4. Learned APP submitted that pursuant to the order passed by this Court, the applicant was supposed to be taken to Sir J.J.Group of Hospitals, as directed. On 13 March 2024 the applicant gave a letter declining consent to be admitted at the hospital. On 23 March 2024, the applicant gave consent and, thereupon, he was admitted in hospital on 24 March 2024.

5. The circumstances in which the applicant could not be hospitalized immediately pursuant to the order dated 11 March 2024 passed by this Court need not to be delved into at this stage. Prima facie, there is material on record, especially the medical papers (pages 261 to 267) which indicate that the applicant immediately requires coronary angiography and further medication/treatment. The applicant is currently admitted in ICCU of Sir J.J.Group of Hospitals.

6. Since the applicant had suffered a heart attack and is admitted in ICCU

of Sir J.J.Group of Hospitals and desires to have treatment at private hospital at his own expenses, having regard to the exigency of the situation and to ensure that the applicant gets a proper treatment to his satisfaction, it may be appropriate to allow the applicant to have treatment at a private hospital. However, the prayer of the applicant to have treatment at Ruby Hall Clinic, Pune, cannot be acceded to as there are well-equipped hospitals in Mumbai.

7. Learned Counsel for the applicant, on instructions, submits that the applicant be permitted to have treatment at Lilavati Hospital, Mumbai

8. Hence, the following order :

ORDER

(i) The Applicant is permitted to have treatment at Lilavati Hospital, Mumbai, at his own expenses.

(ii) The applicant be shifted to Lilavati Hospital, Mumbai, in a fully equipped cardiac ambulance. If such cardiac ambulance is not available with Sir J.J.Group of Hospitals, the applicant is permitted to have the services of the cardiac ambulance at his own expenses.

(iii) The applicant shall bear the escort charges till the time he is admitted in Lilavati Hospital.

(iv) One of the close relatives of the applicant is permitted to attend to the applicant while he is admitted in Lilavati Hospital.

(v) The Superintendent, Lilavati Hospital, shall submit a report to this Court on 17 April 2024 about the health status of the applicant.

(vi) Stand over to 18 April 2024.

All concerned to act on an authenticated copy of this order.

(N.J.JAMADAR, J.)