

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1524 OF 2024

Amar Sadharam Mulchandani ...Applicant

vs.

Directorate of Enforcement and Another ...Respondents

Mr. Karan Kadam a/w. Mr. S.S. Bedekar, Mr. Pankaj Thakur i/b. Mr. Sarfaraj Shaikh, for the Applicant.

Mr. Hiten Venegaonkar, Spl.PP, for the Respondent No. 1.

Mr. Prashant Jadhav, APP for the State.

CORAM : N. J. JAMADAR, J.

DATE : MAY 07, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. By an order dated 8th April, 2024, the applicant was permitted to have treatment at Lilavati Hospital And Research Centre, Mumbai at his own expenses.
3. A case summary was submitted to the Court by Lilavati Hospital And Research Centre on 17th April, 2024. The Court found that the case summary was not specific and therefore by an order dated 22nd April, 2024 the Superintendent & Chief Medical Officer of Lilavati Hospital And Research Centre, Mumbai was requested to submit a specific report giving particulars of the prognosis of the disease, the nature of the medical and surgical intervention required, the line of treatment and the likely time required for the said treatment.

4. On 26th April, 2024, a team of consultants has submitted a case summary. Each consultant has provided the condition of the applicant with regard to the particular ailment which the applicant has been suffering from. The team of consultants has, thereafter, opined as under:-

1] In view of the medical comments mentioned above, coronary angiography cannot be performed at this juncture because of low eGFR.

2] We are not competent authority to decide whether the patient requires private hospitalization v/s. Government hospitalization, as we are unaware of the facilities available in other institutes. We leave it to the sound judgement of the Hon'ble Court to take a final call after reviewing our above observations.

3] The prognosis of the disease is guarded (kindly refer to the points mentioned previously).

4] Nature of medical and surgical intervention required.

. Coronary Angiography

. Medical Management and fallout of Chronic Kidney Disease and its cascading effects on other organs which are compromised.

. Intra Vitreal Injections.

5] The further line of treatment would depend on the coronary angiography which is mandatory to be performed with closed conjunction with the kidney function.

6] The likely time required cannot be measured/ anticipated as every human body reacts differently at different times due to dynamics which can change drastically.

Above update is being given after personal consultation and clearance of respective specialists.

Kindly make note of the above and do the needful.

5. The above summary was shared with the counsel for the applicant and the learned Special PP.

6. The team of experts has opined that the applicant requires coronary angiography, Medical Management and fallout of Chronic Kidney Disease and its cascading effects on other organs which are compromised and intra vitreal injections.

7. Thus, the fact that the applicant requires hospitalization can hardly be disputed. However, the case summary dated 26th April, 2024 appears to be tentative in nature and does not equip the Court to consider the prayer for bail on medical count.

8. Mr. Venegaonkar, learned Special PP, submitted that a team of experts attached to J.J. Hospitals may be permitted to visit Lilavati Hospital And Research Centre and have an independent evaluation of the health status of the applicant.

9. In view of the profile of the consultants, who appear to have been treating the applicant at Lilavati Hospital And Research Centre, the said course does not seem advisable. Instead the consultants attending to the applicant can be requested to again evaluate the condition of the applicant after a period of two weeks, as it should amount to six weeks hospitalization effectively.

10. In the aforesaid view of the matter, it may be appropriate to allow the applicant to continue to have his treatment at Lilavati hospital and Research Centre for a period of two weeks and call for a definitive report from the hospital as to the fitness of the applicant

for coronary angiography and further treatment that may be required.

11. The applicant is permitted to continue to have treatment at Lilavati Hospital And Research Centre at his own expenses and in accordance with the conditions incorporated in the order dated 8th April, 2024 for a period of two more weeks.

12. The Superintendent/ Chief Medical Officer, Lilavati Hospital and Research Centre shall furnish a fresh report to the Court regarding the health condition of the applicant on the points indicated in the order dated 22nd April, 2024.

13. The Court would appreciate if a definite opinion about the fitness of the applicant for the coronary angiography is submitted to the Court.

14. Stand over to 22nd May, 2024.

15. Liberty to mention before the vacation Court.

(N. J. JAMADAR, J.)