

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

CRIMINAL BAIL APPLICATION NO. 2667 OF 2024

Viresh Naginbhai Rupasari ...Applicant
Versus
The State of Maharashtra & Ors. ...Respondents

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Mr. Ashok Mundargi, Senior Advocate a/w Ms. Prajakta Arjunwadkar,
Mr. Raj Satam, Mr. Dhananjay Utture, Mr. Prathamesh Hande, Advocate
for the Applicant.

Ms. Supriya Kak, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 15th JULY, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.11 of 2024, registered with Band Garden Police Station, District: Pune City for the offences punishable under Sections 22(c) and 8(c) of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').
3. In the present matter, the Applicant is seeking grant of bail not on merit but on the ground of his medical condition i.e. he has lost vision of left eye.
4. It is to be noted that, when the application was moved before the trial Court on the same ground, the trial Court directed

the Superintendent of Jail to refer the Applicant/accused for medical checkup and treatment to the Sasoon Hospital and without notify for the such report rejected the application.

5. In my opinion the trial Court ought to have called the report from the hospital once it was directed to refer him for the medical checkup and on receipt of such report the decision ought to have taken.

6. In the circumstances, I am of the view that the end of justice would be subserved if the Applicant is permitted to approach to the trial Court alongwith the medical report, which the trial Court shall consider and thereupon, decide the application for grant of bail on medical ground.

7. Accordingly, the application is disposed of with a liberty to approach to the trial Court and apply afresh on the medical ground. If such application is filed by the Applicant, the trial Court is directed to decide the application after considering the medical report and health condition of the Applicant. The trial Court is further directed to decide the application with two weeks from the date of filing of such application.

(ANIL S. KILOR, J.)