

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

INTERIM APPLICATION NO. 5033 OF 2024

IN

BAIL APPLICATION NO. 4184 OF 2024

Kamruddin Mohd. Zahid Shaikh @ Kammu ... Applicant

Versus

The State of Maharashtra ... Respondent

Adv. Prasannan Namboodiri a/w Prathibha Namboodiri, Pallavi Dabak, Tejal S. Darekar and Rishabh Sinha for the Applicant.

Mr. Tanveer G. Khan, APP for Respondent-State.

Mr. Bhagwan Bele, P.I., ANC, Ghatkopar.

CORAM: MANISH PITALE, J.

DATE : 16th DECEMBER 2024

P.C. :

. By this application, the applicant is seeking temporary bail on medical grounds and alternatively, a prayer is made for his transfer from J. J. Hospital to a Multi-Specialty Hospital for appropriate treatment.

2. This application was taken up for consideration for earlier, when it was directed that appropriate instructions will be taken by the learned APP, as regards the facility of treatment available at J. J. Hospital, particularly in the light of specific submission made on behalf of the applicant that although, such a facility may be available at the Sion Hospital, since there is no prisoners ward, the applicant may not be treated at the said hospital.

3. The learned APP, on instructions, makes a specific

submission on the basis of communication sent by the Superintendent of the Corporation Hospital at Sion i.e. the Lokmanya Tilak Municipal General Hospital, Sion, of the Brihanmumbai Mahanagarpalika (Corporation) that the said hospital does have the facility to treat the applicant for his ailments. This Court is of the opinion that absence of the prisoners ward cannot be a ground to deny treatment to the applicant.

4. Therefore, this application is disposed of with a direction to the Lokmanya Tilak Municipal General Hospital, Sion, of the aforesaid Corporation, to admit the applicant for appropriate treatment, so that his ailments, which are highlighted in the present case, including liver cirrhosis and enlarging of spleen are appropriately treated at the earliest. The respondent-State is directed to ensure that the applicant is provided facilities at the earliest for being admitted to the said hospital at Sion for proper treatment.

5. The communication tendered by the learned APP sent by the Superintendent of Lokmanya Tilak Municipal General Hospital, Sion, is taken on record and marked 'X'.

6. The Interim Application is disposed of.

7. List the bail application for further consideration on 20th January 2025 (High on Board).

MANISH PITALE, J.