



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 981 OF 2024

Pravin Narayan Mendhe Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, counsel for applicant.

Ms. Kavita Bhondge, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/11/2024.

1. The applicant came to be arrested on 17/11/2023, in connection with Crime No. 783/2023 registered with Police Station Mauda Nagpur (Rural) for the offence punishable under Sections 409, 411, 413, 420, 465, 467, 468, 471, 201 and 120B of Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. The crime is registered on the basis of the report lodged by Ramkushar Manikrao Nimbulkar alleging that he and his friends Vijay Wankhede and Nilkanth Chikhale are farmers. Ramanrao Bolla i.e. co-accused owns a warehouse at Gumthala and deals a business in paddy, pulses and other food grains like grams. One Roshan Pande, driver working with accused approached complainant Ramkrushna Nimbulkar and other farmers and informed that the Government is implementing a Scheme and granting compensation to small farmers who suffered losses and are victims of natural calamities. On the basis of the same,

co-accused took complainant Ramkrushna Nimbalkar and other farmers to bank. Their documents, like Aadhar Cards, Photographs, Identity Proofs, were obtained on a pretext of opening of bank accounts for depositing compensation amount. At the relevant time, accused V.S.Wakalpudi i.e. co-accused introduced them with the other co-accused Ramanrao Bolla, who informed complainant and the other farmers that for receiving the compensation, accounts are to be opened in bank and their documents are required for the same. After some days, the complainant and other farmers received notices from Corporation Bank on 9.4.2018 asking them to repay loan amount. After receipt of the notice, complainant and other farmers visited their Advocate to find out why notices were issued to them and it revealed to them that the bank advanced loan in their name, in fact they have not received any loan, but it revealed to them that, the co-accused have obtained the loan in their names. Therefore, they met the co-accused, and co-accused assured that whatever loans shown in their names are secured and the same shall be refunded within two years.

3. As far as present applicant Pravin Narayan Mendhe is concerned, he was an employee of the National Commodities Management Services Limited (NCML) and worked as Business Development Manager. During investigation, it revealed that he was employee and was instrumental to dispose of food grains which were mortgaged against the loan and he issued release order without verifying fact that the amount is outstanding

against them. Audit Report shows involvement in disposing of food grains which were mortgaged against loans and releasing of the same. Present applicant also received a pecuniary gain by committing the said act.

4. The application of the present applicant is rejected on merit. Now, the present application is filed by the applicant on the ground that he is suffering from throat cancer and he is in a need of treatment, and therefore, he be released on interim bail for six months.

5. Heard learned counsel, Mr. M.N. Ali for the applicant, he submitted that as far as merit of the matter is concerned, which is already considered by this Court and on merit, the application is rejected. But now, the applicant is suffering from throat cancer and he requires for special treatment and therefore, he be released on bail to take treatment as per his choice. In view of that, he be released on interim bail.

6. In support of his contention, he placed reliance in the case of *Satyendar Kumar Jain vs Directorate Of Enforcement [Special Leave to Appeal (Crl.) No(s). 6561/2023 decided 26/05/2023]*, wherein the Hon'ble Apex Court has considered this aspect and held that citizen is having a right to take treatment of his choice, at his own expenses, in a private hospital. It is held that there is no reason to disbelieve the report of the hospital i.e. G.B. Pant

Institute of Post Graduate Medical Education and Research and released the applicant on interim bail.

He submitted that here also, the present applicant wants to a take treatment in a private hospital, and therefore, his prayer for interim bail be considered.

7. Learned APP strongly opposed the said application and submitted that report of Superintendent Nagpur Central Prison shows that applicant is provided with necessary treatment and therefore, the application deserves to be rejected.

8. Before hearing learned counsel for the applicant and learned APP for the State, the report from the Superintendent of Central Prison, Nagpur was called. The report is before the Court. It shows that complainant was having complaint of swelling in left cheek, parotid and submandibular region swelling. Therefore, he was referred to the Government Medical College and Hospital, and the experts in the said hospital provided necessary treatment, and also advised USG Neck, scrape cytology from tongue lesion and FNAC from Left Patroid swelling. The said test are carried out and it revealed that the present applicant is suffering from a cancer. The report of the Superintendent of Central Prison shows that he is under the investigation and treatment. He is regularly examined by CMO and MO of Nagpur Central Prison and provided treatment as recommended by experts.

9. Moreover, as observed by the Hon'ble Apex Court that every citizen has right to take a treatment of his choice, at his own expenses, in a private hospital. In view of that, the application of the present applicant deserves to be allowed by imposing certain conditions for a limited period. Accordingly, I proceed to pass the following order.

- a] The applicant -Pravin Narayan Mendhe, shall be released on interim bail, in connection with Crime No. 783/2023 registered with Police Station Mauda Nagpur (Rural) for the offence punishable under Sections 409, 411, 413, 420, 465, 467, 468, 471, 201 and 120B of Indian Penal Code, 1860 and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, to undergo the necessary treatment for a period of eight weeks on a following condition.
- b] The applicant shall not influence any witnesses.
- c] The applicant shall not leave the jurisdiction of Nagpur District without prior permission of the trial Court.
- d] During the interim bail, all the relevant papers of such treatment shall be produced before the Court.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- f] After eight weeks, applicant shall surrender before the Superintendent of Central Prison, Nagpur. On failure to appear before the Superintendent of Central Prison, Nagpur, the investigating agency to take appropriate steps to obtain his custody and produced him before the appropriate Court.
- g] The applicant shall not seek any adjournment on the ground of his treatment, as trial has not begun and the issue of the identification parade shall not be disputed by the learned counsel.
- h] The applicant shall not alienate any of his assets movable or immovable while he is on interim bail.
- i] On contravention of any of the conditions, the liberty granted to the present applicant deserves to be cancelled.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]