



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL APPLICATION NO. 307 OF 2024
IN APEAL/441/2016

VIJAY @ BHURAYA KALU PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Devang Rajendrraa

APP for Respondents : Mrs. Kalpalata Patil Bharaswadkar

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CORAM : NITIN B. SURYAWANSHI &
MANJUSHA DESHPANDE, JJ.

DATE : 02nd APRIL 2025

PC.:-

1. This application is filed by the applicant / appellant for bail on medical grounds.
2. Applicant is convicted under Section 302 of the Indian Penal Code, and he sentenced to suffer life imprisonment. Substantive appeal challenging the conviction is pending for final hearing. During the pendency of appeal, applicant was released on parole for 30 days on 18.12.2023. On 15.01.2024, he fell sick and was required to be admitted at Gajanan Hospital, Chalisgaon. At the said hospital, Dr. Ranjeet Rajput, on examination found that there was no supply of oxygen to his brain and his condition was serious. Considering serious condition of the applicant this Court granted temporary bail by order dated 02.04.2024. The said temporary bail was extended from time to time.

3. After discharge of the applicant from the hospital, pursuant to the directions of this Court, police has verified his condition and confirmed that applicant has lost his memory and he is at his home. Thereafter, under the directions of this Court applicant was examined by Civil Surgeon, Dhule. Civil Surgeon submitted report in the month of September, 2024, stating that applicant was well-oriented and in a position to do all his regular activities. By order dated 21.01.2025, we directed the Civil Surgeon to again examine the applicant and give report.

4. The report of the Medical Board, Dhule, dated 01.04.2025, is received by this Court. In the report, the Medical Board, has diagnose that, "The patient has Post-Hypoxic Brain Injury leading to cognitive impairment (brain damage due to lack of oxygen)". Objective evidence of neurological damage was found. The patient has permanent visual loss, most likely to the hypoxic damage to the visual processing areas of the brain. The neurophysician has opined that disability of the applicant is severe, making the patient dependent on an attendant for daily activities. The board has concluded that, "The patient has severe and irreversible brain damage, causing cognitive impairment, permanent disability (~90%), and visual loss. He needs assistance for daily activities, but hospitalization is not required. His condition is not expected to worsen but will not improve either".

5. The applicant was undergoing his sentence at Paithan, Open Jail. On a query made by us, learned APP on instructions from the officer of Central Prison Paithan, Open Jail, submitted that attendant cannot be made available to the applicant in Paithan Open Jail.

6. In view of the health condition of the applicant and as he requires attendant to do daily pursuits, the applicant deserves to be released on medical bail. In the result, the temporary bail granted to the applicant by order dated 02.04.2024 is hereby confirmed.

(MANJUSHA DESHPANDE, J.)

(NITIN B. SURYAWANSHI, J.)