



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 BAIL APPLICATION NO. 1462 OF 2025

Narayan Tukaram Irabantawad Thr His Son Shiv Narayan
Irbatanwad

VERSUS

The State of Maharashtra

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Advocate for Applicant : Ms. Sundale Rakhi V.

APP for Respondent: Mr. R.S. Wani

Advocate to assist the A.P.P. : Mr. Anand Chawre with Ms. Riya
Khandelwal

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 22nd SEPTEMBER, 2025.

PER COURT :-

1. This is an application for granting of regular bail under section 439 of Cr.P.C. in connection with crime No. 97 of 2022 registered with Chakur police station, District Latur for the offences punishable under Sections 302 and 120-B r.w. 34 of I.P.C. and under Section 3(1)(i), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. Learned advocate for the applicant submitted that the applicant requires medical treatment. He has diabetes mellitus with coronary Arterial disease with severe left ventricular dysfunction with diabetic foot on treatment and requires treatment. Learned advocate for the applicant submitted that the applicant has no criminal antecedents. The applicant is suffering from diabetics, having 254 sugar level.

Learned advocate for the applicant submitted that the applicant was released on temporary bail for his medical treatment. Thereafter, a report was called and he is found mentally and physically fit, however, the treatment is required. Learned advocate for the applicant submitted that considering the earlier order passed by this Court as well as the need of his urgent treatment, he be released on bail.

3. Learned A.P.P. for the respondent-State assisted by learned advocate Mr. Anand Chaware strongly opposed the application and submitted that the applicant is involved in serious case. He had treated by the doctors. Even he refused for treatment from Civil Hospital. Learned A.P.P. submitted that now the applicant is completely cured. Learned A.P.P. has pointed out the photographs of the applicant standing while talking with others having some documents in his hand and also in the garage while repairing tractor. Learned A.P.P. therefore, submitted that if the applicant is cured from illness, it is not necessary to grant him bail as he is booked in a serious crime. Learned A.P.P. is relying on the following authority of the Hon'ble Supreme Court in the case of ***State of Karnataka vs. Sri Darshan etc.*** (2025) LiveLaw (SC) 801, wherein, in para 22.3.2. it is observed as follows:-

“22.3.2 The discharge summary dated 28.11.2024 issued by the hospital, mentions that A2 is a patient with a history of diabetes, hypertension, and prior cardiac issues, and that he may require a CABG surgery in the future. However, the report does not indicate: any current emergency or need for immediate medical intervention; any life-threatening condition warranting urgent release; and any inability of the prison medical system to manage his current state. Thus, there is no compelling medical necessity for grant of bail.”

4. Perused the application, particularly the report of the doctor and the earlier order passed by this Court. The conduct of the applicant, refusing for treatment in the Civil Hospital, shows that there is no compelling medical necessity for grant him bail as held by the Supreme Court in the case of ***State of Karnataka vs. Sri Darshan etc. (supra)***. Considering the report of the doctor that the applicant is fit and that there is no compelling medical necessity for grant him bail for medical treatment, the application deserves to be rejected. Hence, the following order.

O R D E R

- I. Application is rejected.
- II. The applicant, who is released on interim bail by this Court vide order dated 1.7.2025, shall surrender before the concerned jail authorities on or before 26.09.2025 and the concerned jail

authorities thereafter, to communicate the concerned court that the applicant accused has been surrendered.

- III. If the applicant-accused fails to surrender, the concerned jail authorities or the court, as the case may be, are at liberty to proceed further to arrest him and keep him behind bars.

(SANJAY A. DESHMUKH, J.)

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