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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4484 OF 2025

Amit Ashok Thepade ...Applicant
V/s.
The Union of India & Anr. ...Respondents

Mr. Mithilesh Mishra i/by Agastya Desai, for the Applicant.
Dr. Nilesh V. B. Pawaskar a/w Adv. Aparna D. Vhatkar, Adv. Gayatri Masurkar & Adv. Mitalee Gaikwad, for the Respondent No.1-ED.
Ms. Sangeeta D. Shinde, APP for the Respondent No.2- State.

CORAM : SHYAM C. CHANDAK, J.
DATED : 19th DECEMBER, 2025

P.C. :-

. Present Application seeking Interim Bail for a period of three weeks in connection with ECIR/MBZO-II/45/2023 registered by the Directorate of Enforcement, Mumbai, Zone-II, Mumbai. The Application is opposed by the Respondent No.1-ED by filing an Affidavit-in-Reply.

2) Heard Mr. Mishra, the learned Counsel for the Applicant and Mr. Pawaskar, the learned Counsel for the Respondent No.1-ED. Perused the Application and the documents enclosed.

3) Mr. Mishra, the learned Counsel submitted that, on 12.11.2025, when the Applicant visited his house to attend the final rites of his mother in law, he was made aware, that his father, a super senior citizen was rushed to the hospital on 11.11.2025 night due to a collapse and fall and was subsequently diagnosed with severe rise in the blood pressure. Along with that the Applicant's father was suffering from severe lower back pain for which he had undergone a spine surgery around 10 years ago, and it was anticipated that, there was a critical relapse due to which, the father

of the Applicant continued to be hospitalized with Ratna Momorial Hospital, Pune as on date for further examination and necessary medical treatment which includes lumbar and cervical issues. On perusal of the Xray report it clarifies the fact that a plate along with screws has been applied for fixation of the spine, which is a delicate and a critical part of the body, that requires extreme care and caution.

To substantiate this submission, the learned Counsel for the Applicant pointed out the medical certificates at Exh.C (colly.).

3.1) He further submits that the wife of the Applicant has been diagnosed with multiple large uterine fibroids. It is causing her excessive and uncontrolled bleeding. As a result, her haemoglobin level has been fallen to 7.4, resulting in Severe Anaemia. She has been, therefore, undergoing persistent medical treatment. Her treating doctors have strictly advised her to refrain from any physical exertion, including prolonged sitting, standing, or walking, until her condition stabilizes. She has been recommended diagnostic tests to rule out the probability of cancer, which is a matter of additional concern for her. He also submitted that medical team has advised urgent surgical intervention for removal of the multiple fibroids and she has been required to undergo blood transfusions of 3-4 units. He submits that, on 22.10.2025, the wife of the Applicant had a serious fall, rendering her temporarily immobile. She was taken to the hospital on an emergency basis and has since been on restricted physical movements as part of her recovery protocol. He submitted that, presently,

the wife of the Applicant has been staying at Jaipur with her sister, who is a medical practitioner.

3.2) The learned Counsel submits that, there is no one to look after the father of the Applicant nor is there anybody to take decisions about his illnesses and further course of action for recovery of his health as also the wife of the Applicant is critically ill with multiple medical issues and is under continuous medical treatment.

4) I have carefully considered these submissions and perused the documents on record. Considering the medical papers produced on record, it appears that, the medical complaints of the Applicant's wife started first. In this regard, the learned Counsel for the Applicant wants the Court to consider the wife's medical papers at Exh.D (colly.). The clinical report dated 26.09.2025 of the wife of the Applicant states that, the patient had complained of bleeding. She has been diagnosed with two large uterine fibroid ,and one cervical fibroid. Another clinical report dated 04.11.2025 mentions that, she needs 3-4 units of blood transfusions and surgery for removal of multiple fibroids. However, this certificate does not suggest that the wife of the Applicant requires an urgent surgery.

It is important to note that, as per the statement of the Applicant dated 24.08.2025, till one day before his arrest, his wife was with him. Thereafter, he does not know where she had gone. However, his wife herself has produced the medical papers for the sake of this Application. As per the wife's statement dated 20.11.2025, after the Applicant's arrest, she

had gone to *Jain Tirth Yatra* alongwith her sister and brother-in-law. Before the *Yatra*, she stayed with her brother. The fact of going to Yatra completely ruled out that the wife's treating doctors have strictly advised her to refrain from any physical exertion, including prolonged sitting, standing, or walking, until her condition stabilizes. It is contended that, she has been recommended diagnostic tests to rule out the probability of cancer. However, the learned Counsel for the Applicant has not pointed as to which tests the Applicant's wife has undergone to rule out the probability of cancer.

The Applicant's case is that his wife had a fall on 22.10.2025 rendering her temporarily immobile. She was taken to the hospital on an emergency basis and has since been on restricted physical movements as part of her recovery protocol. But, her statement recorded on 20.11.2025 states that no bone or spine injury was caused and after few days bed-rest she became alright. As such, the medical papers of the wife are not helping the Applicant. Presently the wife of the Applicant has been staying with her brother, in Pune. This is contradictory to what the learned Counsel for the Applicant has submitted.

4.1) In so far as the medical documents (Exh.C) of the Applicant's father are concerned, the medical papers of Ratna Memorial Hospital mentions that the father of the Applicant was admitted in the hospital for the compliant of dizziness. It does not mentions that the father of the Applicant had complained of acute pain related to spine. As per the MRI

report dated 13.11.2025, the impression was “No evidence of acute infarct/fresh bleed was seen.” and “No critical stenosis is noted in the cartoid or vertebrobasile in today’s (that day’s) evaluation.” This medical certificate was issued by Dr. Pande. The related clinical certificate dated 13.11.2025 is not much legible. However, what is discernible from it is that, the father of the Applicant is suffering from hypertension and spine issues. However, the learned Counsel for the Applicant has not clarified how the hypertension has adversely affected his father. The exact spine issue that Applicant’s father has been suffering from, is not described in that.

The study Report of MRI – cervical spine dated 17th and 18th November, 2025 states that, “the cervical vertebrae show normal alignment and marrow signal. … No significant thecal sac compression at any level. No intrinsic cord lesion is seen. Normal flow void of right vertebral artery is maintained. Small calibre of left vertebral artery is noted. Para vertebral soft tissues look normal.” In another such clinical report dated 25.11.2025, it is stated that the father of the Applicant has cervical cord compression at C4 – 5 which is likely to require surgery at the earliest if fitness allows. It is significant to note that both the clinical reports referred above are based on the same MRI study report, only the subsequent such report suggestive of the surgery. Secondly, both the clinical reports are issued by different doctors/medical experts. That apart, the third such clinical report dated 16.12.2025, now issued by Dr. Sachin Gandhi states that the Applicant’s father merits earliest/urgent cervical

spine surgery to avoid further neurological worsening and immediate surgical intervention can halt the progressive neurological worsening. Thus, comparatively, the third clinical report is very inconsistent with the earlier such reports and the MRI study reports referred above. Therefore, the medical documents of the Applicant's father are not dependable for this Application.

5) It is important to note that, whether, prior to the arrest of the Applicant, his wife was suffering from the same medical conditions and whether she was advised the similar medical treatment or not, is not clear from her medical reports at Exh.D. Nor this fact is stated in the Application. In fact, not a single medical paper is produced to show that, prior to the arrest of the Applicant, his wife was having the said medical condition and she was taking some medical treatment for the same. All the medical documents at Exh.D are relatable to the post arrest period. Same is the case, in so far as the medical papers of the father are concerned.

6) In the wake of above, this Court was not inclined to consider this Application favorably and asked the learned Counsel for the Applicant as to whether the Applicant wants to stay with his father for a period for three days in the police protection? On instructions, the learned Counsel refused that suggestion, giving reason that, said arrangement may require payment of police charges about Rs.1,20,000/- and the Applicant is in financial difficulty. However, as per Applicant's own statement recorded under Section 50 of the PMLA (Prevention of Money Laundering Act,

2002), since 26.05.2025 he was residing in hotel Taj Lands End, Bandra, along with his wife and daughter as he was being chased by various creditors for their dues and to avoid law enforcement agencies. Needless to mention that, said hotel is one of costliest hotels in Mumbai. Yet, the Applicant and his family could afford it for three months just before his arrest. On noticing this fact, on instructions, the learned Counsel submitted that, the Applicant is ready to stay with his father for three days in police protection.

7) Looking at the inconsistent pleadings, the changing stance of the Applicant and having regard to the chronology of the medical condition of the wife and the father of the Applicant, it appears that, the medical ground is for sake of misguiding the Court. As observed in ***State of Karnataka vs. Sri Darshan Etc., 2025 SCC OnLine SC 1720***, the Hon'ble Supreme Court has consistently held that bail granted on medical grounds must be based on credible, specific, and urgent need, not on general or future apprehensions.

8) In view of the above discussion, no sufficient case is made out for the interim bail as prayed for. As a result, the Application fails and liable to be rejected. Application is rejected, accordingly.

(SHYAM C. CHANDAK, J.)