

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4184 OF 2024

Kamruddin Mohd Zahid Shaikh @ Kammu .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Prasannan Namboodiri i/by Ms. Prathiba Namboodiri, Ms. Tejal Darekar, Mr. Rishabh Sinha & Ms. Pallavi Dabak for Applicant
- Ms. Mahalakshmi Ganapathy, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 27, 2025

P. C.:

1. Heard Mr. Namboodiri, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State. Applicant seeks temporary medical bail.

2. Pursuant to the order dated 24.01.2025, prosecution has placed before me report dated 25.01.2025 prepared by Chief Medical Officer of Taloja Central Prison, Navi Mumbai where the Applicant is presently housed. Record indicates that since 12.12.2024 orders have been passed by this Court to refer the Applicant to hospital for diagnosis and treatment. Applicant before me is suffering from chronic Hepatitis with liver cirrhosis (F4 state) and he was referred for treatment to Sion Hospital considering his biopsy report which is evident from the report filed by the Chief Medical Officer of Taloja Central Prison.

Record also shows that Applicant has suffered 22 months of incarceration. He has been regularly referred to hospitals for undertaking various lines of treatment and for biopsy recently. Previous report which was filed pursuant to the order dated 16.12.2024 states that Applicant will have to be referred to the gastroenterology department. Admittedly Sir JJ Group of Hospitals does not have the said gastroenterology department. Even the report of the Chief Medical Officer states that reference of the Applicant would be as per the availability of gastroenterologist in Sion Hospital.

3. Mr. Namboodiri would submit that Applicant would like to take treatment in a private hospital considering his precarious medical condition at present and more specifically in view of the fact that his blood platelet count is below the threshold level due to the medical ailment of the Applicant and he is in urgent need of liver transplant.

4. I have perused the report placed before me by learned APP and the attachments thereto. On going through the report and the observations made therein, there is no doubt that Applicant requires immediate medical treatment, whether it is at Sion Hospital or KEM Hospital or even in a Private Hospital. Even while carrying out medical tests in the month of November 2024 the Department of Gastroenterology of Sion Hospital had explained the risk for the procedure involved to the Applicant and his relatives and their written

informed consent was taken pursuant to which final diagnosis was determined. Report of the Hospital is appended to the prisoner's medical report dated 25.01.2025 speaks for itself.

5. In view of the above, Applicant has made out a case for grant of medical bail. Medical bail to the Applicant is allowed by the Court initially for a temporary period of three months from today pursuant to which a review of the Applicant's medical condition shall be undertaken by the Court on the Applicant filing appropriate affidavit along with all details of the treatment and medication undertaken by him in the three month period to enable the Court to consider the present Application further. This affidavit will be filed on or by 28.04.2025 and advance copy shall be given to the learned APP and the Investigating Officer. Applicant can be at liberty to approach the Sion Hospital or KEM Hospital or any private hospital according to his feasibility for treatment.

6. Copy of the report dated 25.01.2025 is given to Mr. Namboodiri to enable the Applicant to take further steps.

7. In view of the above, Applicant is granted medical bail on the following terms and conditions:-

- (i) Applicant is directed to be released on medical bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;
- (ii) Applicant is permitted to furnish provisional cash bail of Rs. 50,000/- (Rs. Fifty Thousand Only) for his release immediately and file undertaking that he will provide one or two sureties in the like amount of Rs. 50,000/- within a period of four weeks after his release which shall be accepted by the Investigating Officer. The Applicant shall provide the sureties as directed;
- (iii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for three months or as and when called and apprise his medical details, condition and hospitalization if any;
- (iv) Applicant shall co-operate with the conduct of trial on all dates unless specifically exempted;
- (v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court; He shall deposit his passport, if any, with the Investigating Officer;

- (vi) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;
- (vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;
- (viii) Any infraction of the above conditions shall entail prosecution to seek cancellation of this order.

8. Applicant shall file a detailed affidavit of his treatment undergone by him during the temporary bail period as directed herein above.

9. List the Bail Application on **29th April, 2025**.

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[MILIND N. JADHAV, J.]

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