

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4984 OF 2024

Irfan Farookh Shaikh

.. Applicant

Versus

Union of India and Anr.

.. Respondents

.....

- Mr. Jitendra Gautam, for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 09, 2025

P.C.:

1. Heard Mr. Gautam, Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Applicant in the present case seeks bail on medical ground. Indictment of the Applicant is on the basis of the statement made by the Principal accused. Charge against the Applicant is that he has couriered the alleged contraband. Case of the applicant is that he has been working as a Courier Boy for the past three years.

3. Be that as it may, apart from the merits of the matter it is seen that the applicant has been taken to J.J. Hospital on three specific occasions in the past one year. This is evident from the papers placed before me. Last visit of the Applicant to the J.J. Hospital for heart related ailment was on 14th December, 2024. The O.P.D. report

submitted by the learned Advocate appends the E.C.G. to the said report. What is stated in the report is not clearly evident to enable this Court to make any opinion at this stage. It is seen that in the past also the Applicant has been admitted to J.J. Hospital for non-cardiac chest pain in July, 2024. Details of his three admissions in J.J. Hospital are also not clear from the report. The State is a party. The Principal contesting party is the Union of India. As usual none is appearing for the Union of India when the matter is called out. Applicant is lodged in Arthur Road Jail.

4. In that view of the matter, the learned APP for the State is directed to obtain a report from the doctors who have examined the Applicant with respect to the present status of health of Applicant and whether he requires treatment, his diagnosis, etc. and place the said report before the Court on next adjourned date. Learned APP takes cognizance on behalf of the State and shall convey a copy of this order to the concerned Jail Authority / Jail Hospital who shall obtain a proper report from the State run J.J. Hospital where Applicant was referred thrice in the last one year and place the same before the Court within a period of two weeks from today.

5. Doctors concerned shall examine the three previous admission reports of the Applicant in J.J. Hospital and after examining all those papers pertaining to his health status and inform the Court as to

whether the Applicant requires to be treated for his ailments.

6. Copy of this order shall be served by learned Advocate for Applicant on the Respondent No.1 - Union of India. Respondent No.1 shall ensure presence of a responsible pleader with instructions on the next adjourned date.

7. Stand over to **23rd January, 2025.**

P.R. Rajput

[MILIND N. JADHAV, J.]