

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4841 OF 2024
IN
BAIL APPLICATION NO. 4496 OF 2024**

Anilkumar Babulal Ruthala

.Applicant

vs.

The State of Maharashtra

.Respondent

Mr. Chaitanya Nikte a/w. Mr. Burzin Bharucha, Ms. Ruchi Pawar & Mr. Swapnil Sangle i/b. White & Brief Advocates & Solicitors, Advocate, for the Applicant

Mr. Mayur S. Sonawane, APP, for the Respondent – State

Mr. Anil Gherdikar, Additional DCP, ACB, Mumbai present

CORAM : MILIND N. JADHAV, J.

DATE : 07.01.2025

P. C.

1. Heard Mr. Nikte, learned Advocate, for the Applicant and Mr. Sonawane, learned APP for the Respondent – State briefly.

2. This Interim Application seeking release on medical bail is argued before me. It is stated so in the praecipe seeking Bail Application. Reading Orders of this Court passed in the past two months, it is apparent that the Applicant before me is indeed suffering with serious medical ailments though this Court had by previous Order passed successively on 05.12.2024, 11.12.2024, 16.12.2024 and 20.12.2024 directed the learned APP to obtain appropriate instructions

from the concerned Medical Board of Sir J. J. Group of Hospitals. The Board has now certified in their second report that the treatment that would be required to be given to the Applicant for his illness can be availed by him in the State Government Hospitals like King Edward Memorial Hospital (KEM), Mumbai and Nair Hospital, Mumbai. Though this Court is not an expert, *prima facie*, after reading the first report dated 18.12.2024, it is seen that the said report has been superseded by the report dated 07.01.2025 which is now placed before me today by Mr. Sonawane, learned APP for the Respondent – State. Five members of the Board of Sir J. J. Group of Hospitals have signed the said report. It is confirmed that insofar as sufferance of the Applicant before me for the ailment of Gastritis is concerned, Gastroenterology Department is not available in the Sir J. J. Group of Hospitals as stated as stated therein. However, it is clearly seen that apart from ailment of Gastritis, the Applicant is also suffering from 4 other medical ailments duly certified by the same Board viz; Hematemesis with malena, Recurrent hematuria, Dysphagia and Giddiness. Report also states that he requires treatment. In that view of the matter, the Applicant cannot take treatment for Gastritis in the Gastroenterology Department of one hospital and avail treatment for his other medical ailments in the J. J. Group of Hospital. There has to

be one hospital where the Applicant can be treated for all his medical ailments. There is no doubt about the fact that the Applicant is suffering from Gastritis, Hematemesis with malena, Recurrent hematuria, Dysphagia and Giddiness which is mentioned in the Reports, cognizance of which is taken in the aforementioned previous orders. The report dated 07.01.2025 is taken on record today. The Investigating Officer is present in Court. Mr. Sonawane, learned APP shall ensure that he will take absolute and appropriate instructions from the Investigating Officer who is present in Court as to why further custodial interrogation of the Applicant is required. It is seen that Charge-sheet is filed and investigation is completed. It is the case of the prosecution that the Applicant before me is a businessman and in the course of his business received amounts against supplying goods to two out of the 16 entities who are arraigned as Accused for having received funds/graft money. It is alleged by the prosecution that amount is received by the Applicant. However, if the Applicant has provided goods in return then in the investigation conducted that needs to be disclosed. Charge-sheet has already been filed. Applicant is incarcerated since 06.08.2024. He is indicted under Sections 403, 409, 465, 467, 468, 420, 471 r/w. 120B of the Indian Penal Code, 1860 and under Sections 7, 13(1)(a) and 13(2) of the Prevention of Corruption

Act, 1988. However, he is a recipient of funds from the Bank Account/
two of the charged entities. His defence is of supply of goods to them.
According to Mr. Nikte, learned Advocate for the Applicant monies
were received by the Applicant against providing goods to the two
entities in the normal course of business who passed on money against
those goods. The Investigating Officer shall take cognizance of this only
and ascertain the same on the basis of documentary evidence which is
required and if any further investigation is required to be done, he shall
inform the Court through the learned APP on the next date.

3. Considering the cited medical emergency and exigency expressed
by the Applicant and the twin medical report, list this matter on
09.01.2025, First On Board for passing Orders along with the Bail
Application.

(MILIND N. JADHAV, J.)