

Amberkar

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

**BAIL APPLICATION NO. 520 OF 2025**

Vishnu Pandurang Dalvi

.. Applicant

**Versus**

State of Maharashtra & Anr.

.. Respondents

.....

- Mr. S.N. Raj a/w Mr. Lokesh Zede, Mr. Vishnu S. Chavan & Ms. Renuka Negi for Applicant
- Mr. B.B. Kulkarni, APP for State
- Mr. T.D. Sakunde, API, Navghar Police Station

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**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 24, 2025**

**P. C.:**

**1.** Heard Mr. Raj, learned Advocate for Applicant and Mr. Kulkarni, learned APP for State.

**2.** Perused the record of the case. In this case, Applicant had approached the Division Bench in January 2025 by filing the Writ Petition. In view of the medical urgency stated by Applicant, the Division Bench allowed the Applicant to change the nomenclature of the Petition and that is how the matter was listed before me as Bail Application.

**3.** This Court passed four orders dated 15.01.2025, 24.01.2025, 10.02.2025 and 11.02.2025. Today when the matter is called under the caption of medical urgency, Mr. Raj would inform the Court that Applicant is till date not taken by the Jail Authorities for undergoing

medical tests which were recommended by Sir JJ Group of Hospitals and the Applicant was referred to the Gastroenterology Department of the Government Hospital. He would further inform the Court that wife of the Applicant met him in jail and she was informed that Applicant will be taken to KEM Hospital only in the month of April 2025.

4. Considering the four above orders passed by this Court, the concerned Jail Authorities of Thane Central Prison are directed by this Court to take the Applicant immediately to the Gastroenterology Department of KEM Hospital for undertaking consultation and the tests which are required to be undertaken otherwise it will amount to transgression of the Court's orders which have been passed. If the Applicant is indeed ailing, this Court needs to know about the medical status of his ailments. In that view of the matter, concerned Jail Authority and the Investigating Officer (IO) shall ensure that the Applicant is taken to KEM Hospital and appointment with the concerned Gastroenterology Department of that hospital is taken immediately. It is seen that despite the order dated 24.01.2025 specifically directing the Dean of the concerned Hospital where the Applicant will be taken, till date no steps have been taken. This clearly amounts to transgression of the Court's order. This Court is not expected to specify in each and every order as to when the

Applicant is required to be taken which is now done by today's order. It is left best to the discretion of the concerned Authority, the concerned CMO, the concerned IO and also the concerned APP who appears in the matter to interpret the orders passed by this Court. What I find is that merely because there is direction in the order dated 24.01.2025 to take the Applicant for consultation and treatment to the Gastroenterology Department of either of the 3 BMC Hospitals because of the reason that Sir JJ Group of Hospitals does not have Gastroenterology Department, till date the said order is not followed. Note of the same is taken by this Court.

5. This Court therefore directs that within one week Applicant shall be taken to the KEM Hospital and the status in respect of his medical ailments shall be apprised to the Court. The Dean of KEM Hospital is directed by this Court to constitute a Medical Board and consider the reports which are placed on record and an appropriate report be prepared about his medical status and treatment required by the Applicant so that this Court can take steps in respect of the present Medical Bail Application.

6. Learned APP is permitted to take the medical report papers which are appended in the Application for submitting to the same to the concerned IO who is present in Court.

7. Let the report be submitted by the Dean of KEM Hospital to this Court on or before 04.03.2025.
8. Stand over to **4th March, 2025**. To be placed under the caption **"For Directions"**.

Amberkar

[ MILIND N. JADHAV, J. ]

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by RAVINDRA  
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AMBERKAR  
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