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

CRIMINAL BAIL APPLICATION NO. 1662 OF 2025

Sudhanshumohan Rajendrakumar Dwivedi .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

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- Mr. Aabad Ponda, Senior Advocate i/by Mr. Gaurav Parkar for Applicant.
 - Mr. Hiten S. Venegavkar, APP for Respondent No.1 – State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 15, 2025.

P.C.:

- 1.** Heard Mr. Ponda, learned Senior Advocate for Applicant and Mr. Venegavkar, learned APP for Respondent No.1 – State.
- 2.** Present Application was moved before me on 12.04.2025 afternoon by praecipe and the matter was listed today's board at 02:30 p.m. on production Board.
- 3.** Case of the Applicant is that he is medically unfit which is *prima facie* borne out from the record as argued by Mr. Ponda. *Prima facie* it appears that in the last one week the Applicant has been in and out of hospital as also having undergone medical procedure for his cardiovascular issues including pericardial effusion. That apart, Mr. Ponda persuades the Court to consider the case on merits which is

stated in paragraph No.1 of the praecipe dated 12.04.2025 for grant of bail. He would also invoke non-compliance of provisions of Section 50 of the Code of Criminal Procedure, 1973 in the facts of the present case. He would however inform the Court that Bail Application of the Applicant is pending before the Magistrate and he has instructions to withdraw the same in view of the filing of the present Bail Application. In view of the decision of the Supreme Court in the case of ***Vihaan Kumar Vs. State of Haryana and Anr.***¹ undoubtedly Applicant can file Application for bail in the High Court subject to the Court considering it on the merits as also law.

4. Mr. Venegavkar appearing on behalf the prosecution would submit that the action of the prosecution for taking any further steps should not be prohibited. This Court cannot guide or exercise its right to guide anybody whether the Applicant and/or prosecution to take steps as available them in law. It will be the prerogative of the Applicant and the prosecution to take appropriate steps as available to them in law.

5. In the facts of the present case, the Dean of the Sir JJ Group of Hospitals is directed by the Court to examine the Applicant forthwith tomorrow i.e. 16.04.2025 at 11:00 a.m. and prepare an appropriate Health Report about the Applicant's health, parameters, treatment received by him in the immediate past and his line of

¹ 2025 SCC OnLine SC 269

treatment required to enable this Court to consider the Application of the Applicant for grant of bail on medical ground.

6. Needless to state that submissions on the merits shall be reserved until the Health Report of the Applicant is submitted before the Court to consider the Applicant's case for out of turn hearing for bail on medical grounds.

7. List the Bail Application on Board on **17th April 2025 at 02:30 p.m.** for compliance of this order.

[MILIND N. JADHAV, J.]

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