



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 540 OF 2025

Tarachand Tukaram Pustode Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Parag Madhukar Ukey, counsel with Ms K. Y. Mandpe, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/07/2025.

1. By this application, the applicant is seeking bail in connection with Crime No.09/2023 registered with Police Station Deori, District Gondia for the offence punishable under Section 302, 324 read with Section 34 of the Indian Penal Code, 1860. The applicant came to be arrested on 18/11/2023 and since then he is behind the bar.

2. As per the allegation levelled against the present applicant on the basis of the report lodged by Pawan Hiralal Meshram, that applicant, along with his son and nephew, assaulted the complainant and deceased. It is further alleged that the other co-accused caught hold of the deceased, and the applicant assaulted the deceased by means of a stick and spade, and the complainant was assaulted by the other co-accused resultantly, the deceased died on the spot, and the informant fled away from the spot due to fear. On

the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the earlier bail application is withdrawn, as the court has shown disinclination to grant bail. Now, this application is filed on the ground of medical treatment.

4. He further submitted that the applicant requires to be sent to the medical centers for continuous dialysis. He is suffering from various ailments, and constant treatment is required. Considering the nature of his illness, he be permitted to take the treatment as per his own choice. Considering the fact that, continuous blood transfusion as well as continuous dialyses is also required for his health, in that circumstances, he be released on temporary bail.

5. Learned APP strongly opposed the said application and submitted that as far as merits of the matter is concerned, the involvement of the present applicant is revealed from the investigation papers. He submitted that applicant is receiving the treatment, though he is languishing in jail. Thus, considering the fact and the involvement of the present applicant, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, as far as the involvement of the present applicant in the alleged crime is concerned, there is direct evidence to connect him with the alleged

offence. The another ground raised by the applicant as to the medical treatment, a report from the District Prison, Bhandara, is being called.

The Medical Officer of the District Prison has submitted a detailed report, which shows that the Prisoner – Tarachand Tukaram Pustode, aged about 58 years, is known case of Hypertension (Constantly above 200/160 mmHg) with type-DM, old CVE, severe anemia, CKD (Chronic Kidney Disease) with Uremic Gastritis, Hypertension Retinopathy, with left ventricular Hypertrophy and depression.

Patient Mr. T.T. Pustode was initiated MHD (Maintenance Haemodialysis) at Govt. Hospital, Bhandara since April-2025 at frequency 2 times weekly. Patient suffers from associated diseases which may require intensive medical attention at any moment.

Patient, Mr. T.T. Pustode was given blood transfusion at Bhandara GHB and GMC Nagpur twice in a month of April and May 2025. Repeated MHD Dialysis result in severe anemia resulting demand of blood transfusion. Patient is continuously feeling weakness and disinterested due to his health status which is constantly deteriorated resulting in depression. Constant regular medication poses danger of further kidney damage and add up to already damaged kidney since patient is suffering from CKD longtime.

Thus, Patient Mr. T.T. Pustode needs special medical attention and constant observation. He is also suffering from lower back pain, spondilitis, resulting in restricted movement. He is feeling depressed and disinterested in life as well as daily routine works and entertainment which poses constant fear of patient attempting to damage himself. At present day of 20th July 2025, the patient Mr. Tarachand Pustode received 30 blood transfusions at GHB Bhandara, underwent dialyses. He was referred to GMC Nagpur for upper GI Endoscopy and evolution of anemia and stool for occult blood, reports are pending.

7. Thus, considering the report of the Medical Officer, District Prison, Bhandara, it reveals that applicant is undergoing a serious threat of his life due to his various ailments, and considering the same, he requires specialized treatment. He has every right to take a treatment of his choice. This right is also observed by the Hon'ble Apex Court, in view of that, the application deserves to be allowed for a certain period. Accordingly, I proceed to pass the following order.

ORDER

- a] The application is **allowed**.
- b] The applicant shall be released on temporary bail on the medical ground for the period of **six months** commencing from his released from the prison in connection with Crime

No.09/2023 registered with Police Station Deori, District Gondia for the offence punishable under Section 302, 324 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall periodically furnish his medical reports before the Additional Sessions Judge, Gondia, and the Additional Sessions Judge, Gondia shall accept the said report.
- d] The applicant shall surrender before the Superintendent District Prison, Bhandara, after **six months**.
- e] The applicant is at liberty to file the application for extension of the said bail, if his health deteriorates
- f] The applicant shall attend the concerned police station once in a month on 5th of every month and the police station officer shall record his presence.
- g] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- h] The applicant shall not enter into the Taluka Sadak Arjuni, District Gondia, till

culmination of the trial except attending the police station.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]