IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (PAROLE LEAVE) NO. 14245 of 2026

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MOHAMMAD FAROOQ USMANGANI @ HAJI FAROOQ SHAIKH THRO SHAMA PARVEEN MOHAMMAD
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MANAN V PATEL(8059) for the Applicant(s) No. 1
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

Date : 21/10/2026
ORAL ORDER

1. This application is filed by the applicant seeking parole leave.

2. Heard the learned advocates for the respective parties and perused the papers available on record.

3. Considering the facts of the present case, the present application seeking parole leave on the ground of medical treatment and follow up of the applicant. On 01.10.2026, learned advocate for the applicant had sought time to place on record the document, thereafter, on 07.10.2026, this Court had adjourned the matter and the learned APP had to verify the medical condition of the applicant and report on the next date. The learned APP has placed on record the Medical Certificate dated 13.10.2026, wherein, it has been observed that as the patient was Coronary Artery Disease triple vessel disease. The patient was operated for coronary artery bypass

and patient was advised regular meditation and follow up with anti diabetic diet and the patient/accused is given regular follow up and meditation required by physician as and when needed. The learned advocate for the applicant has in the application not stated that the applicant is not getting proper treatment at the Hospital of Ahmedabad Central Jail, Ahmedabad.

4. Considering the gravity of the offences and the fact that the accused is receiving proper medical treatment, and no shortfall is being found in the medical treatment offered by the Jail Authority. The accused has a right to get treatment under Article 21 of the Constitution, but such treatment cannot be claimed at a facility of his own choice as a matter of course. This Court, in the case of ***Amrutbhai Bholidasbhai Patel Vs. State of Gujarat, reported in 2001(1) GLH 328*** held, that when an under trial prisoner is charged for serious offence, temporary bail for getting private treatment is not considered as of right. Para 25 thereof reads as under:-

> *"It should not be lost sight that the petitioner is an under-trial prisoner and his liberty and privilege is temporarily curtailed. He cannot have the right to select a particular doctor or particular hospital from whom or from where he should get treatment. In other words, he does not have as much liberty as a free citizen enjoys to canvass the case that he should be treated by a particular doctor of his*

choice outside Ahmedabad and more particularly treatment which he requires is available in the City of Ahmedabad itself. Therefore, he cannot be released either on regular or temporary bail for getting treatment outside Ahmedabad on the ground of ailment."

5. In view of the fact that adequate medical treatment is already being provided to the applicant at the Hospital of Ahmedabad Central Jail, Ahmedabad, this Court is not inclined to exercise discretion in favour of the applicant.

6. However, the Jail Authority is directed to ensure that proper and continued medical treatment is provided to the accused at Hospital of Ahmedabad Central Jail, Ahmedabad, as and when required.

7. In view of the above, no case is made out. The application is **rejected** accordingly.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 21/10/2026 17:06:24