

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

**INTERIM APPLICATION NO. 1811 OF 2026
IN
CRIMINAL WRIT PETITION NO. 1405 OF 2025**

Mrs. Sumbul Khan & Ors. ..Applicants
Versus
The State of Maharashtra & Ors. ..Respondents

Ms. Madhavi B. Ayyapan i/b. Talekar & Associates for Applicants.
Ms. Supriya Kak, APP for the State/Respondent.
Mr. Rajesh Khobragade a/w. Gayatri Nayak, Vinay Khobragade,
Akash Tayade and Gargi Gupta Respondent No.6.

**CORAM : SARANG V. KOTWAL &
ASHISH S. CHAVAN, JJ.**

DATE : 10 JUNE 2026

PC :

1. This interim application is filed in the pending criminal writ petition No.1405 of 2025. The petition is filed for a writ of *habeas corpus*. The Petitioners are the daughters and son of Mr. Sagir Khan. The allegations in the petition are that he is illegally kept in custody by the Respondent No.6.

2. In the past, vide the order dated 07.10.2025, an ad-interim arrangement was made which is reflected in the said order.

After that, the petitioners did not get the writ petition circulated and during its pendency the present interim application is filed. During the pendency of the petition, the health of said Sagir Khan deteriorated critically and he was required to be shifted to Jaslok Hospital. He was discharged from the hospital vide the discharge summary dated 04.06.2026. The discharge summary itself mentions that the patient continued to remain critically ill with post-cardiac arrest hypoxia ischemic encephalopathy, Parkinsonism, vascular dementia, recurrent MDR respiratory and urinary infections, tracheostomy and PEG dependence, and severe neurological impairment. He was on the ventilator for three weeks. There was no active infection at the time of his discharge. Hence, he was given discharge for home nursing care. Accordingly, after Jaslok Hospital discharged him, the Respondent No.6 took him home. There is a dispute between the parties regarding whether the Petitioner No.2 was present at the time of discharge from Jaslok Hospital. However, at this stage, it is not necessary to go into that controversy. Be that as it may, the patient was taken home by the Respondent No.6. But within two days his health

deteriorated further and he was required to be shifted to the nearby hospital. Accordingly, he was shifted to Karuna Hospital Borivali (West) and as of today, he is in that hospital and he is under treatment.

3. Learned counsel for the Petitioners submitted that, they are apprehending that in spite of his critical condition, he would be taken home without giving full treatment in the hospital. She submitted that the hospitalization is absolutely mandatory considering that his health can be taken care of only through hospitalization.

4. The Respondent No.6 is present in the Court. On her instructions, the learned counsel representing her makes a categorical statement before the Court that, Mr. Sagir Khan shall not be taken back to her house unless the Doctors attached to Karuna Hospital give a certificate regarding his fitness for being shifted out of the hospital. The statement is recorded and accepted.

5. Learned counsel for the Petitioners, on instructions,

stated that the petitioners are willing to bear the expenses for the medical treatment and the hospital expenses till he recovers.

6. The statements made by both the learned counsel for the contesting parties are recorded.

7. In this view of the matter, nothing further survives in this interim application. The Application is disposed of. It is needless to add that both the parties shall act in the best interest of the patient as per the advice of the doctors attached to Karuna Hospital.

(ASHISH S. CHAVAN, J.)

(SARANG V. KOTWAL, J.)