

**ORDER BELOW BAIL APPLICATION AT EXH. 218**

[Passed on 10.01.2025]

1. This bail application of the accused Rahul Chaudhari based on the medical ground is received from DLSA, Buldana under the category of terminal ill Prisoner of the special campaign for old prisoner and terminally ill prisoner launched by National Legal Service Authority during the period from 10.12.2024 to 10.03.2025. Perused the application, say filed by the Ld. APP and medical documents of the accused. Heard Ld. Counsel for the accused and Ld. APP.

2. Accused in his application submitted that he was arrested for the offence punishable under section 406, 409, 420, 506, 507, 120-B of I.P.C. He was behind the bar from 01.07.2023. He is suffering from disease of blood vessels. He did not commit any offence as alleged by the prosecution. Taking into consideration of all these aspects he may be released on bail. He is ready to abide by any conditions to be imposed by this court while releasing him on bail. Hence, accused prayed for releasing him on bail.

3. Ld. APP strongly opposed the application and submitted that the contention in the application are false. Ld. APP contended that the accused is falsely taking the plea from the day one of the trial that he is suffering from heart disease, diabetes and other disease. But the medical certificate did not support his contention. This court has previously rejected the bail application and Hon'ble Sessions Court has also rejected the bail application. Hon'ble High

Court has given six week time to accused for treatment of ailment from which is he suffering. Now accused is raising the same contention which he has raised earlier at the time when he has filed the bail application. Whether accused has committed the offence or not is a matter of trial. Accused is misleading the court by filing the bail application on medical ground. Hence, Ld. APP prayed for rejection of the bail application.

4. On 07.01.2025 at the time of part heard hearing Ld. APP vehemently contended that the accused was granted interim bail for six weeks for the treatment of his disease but what treatment he has taken during the period of interim bail was not stated by the accused nor any document relating to the treatment that he has taken during the period of interim bail was filed on record. Even accused refused to undergone CABG treatment at J. J. Hospital where the accused was taken by jail authority. Ld. APP further contended that all the treatment which accused required for the disease is available in Buldana District Prisons.

5. It is a matter of record that accused is suffering from heart disease for which he was granted interim bail by Hon'ble High Court for six weeks. No documents related to the treatment that accused has taken during the period of interim bail was filed on record. Moreover, this application is received from District Legal Service Authority Buldana under the category of terminal ill. National Legal Service Authority in its special campion for old prisoner and terminally ill prisoner define the terminal illness as a irreversible and incurable disease condition from which death is expected in the foreseeable future. In the instant case medical certificate

given by prisoner Medical Officer Buldana Prison at Exh. 219 show that the accused is suffering from heart condition (Tripal Vessel disease) which is curable with CABG as advised by cardiologist and his longevity can be prolonged with the same. Thus it is a clear from medical certificate at Exh. 219 that the accused is not suffering from any incurable disease. The accused cannot be treated as a terminally ill prisoner as defined by National Legal Service Authority in its special campaign for old prisoner and terminally ill prisoner. Accused is not old as his age is 46 years.

6. The opportunity was given to the accused to treat heart disease by granting him interim bail for six weeks by Hon'ble High Court. Thus, it can be said that sufficient opportunity was given to the accused to treat heart disease. There is no new disease from which the accused is suffering except the heart disease which he was suffering from last one year. Earlier bail application filed by the accused on same ground was rejected. There is no change in the circumstance from the date when earlier bail application was rejected. Furthermore, the accused is not the terminally ill as per the category of terminally ill prisoner of NLSA. In view of above reason I am not inclined to allow this application and proceed to pass following order.

**ORDER.**

1. Application is rejected.
2. Copy of this order be sent to Secretary, District Legal Service Authority Buldana.

Date : 10.01.2025.

**[ N. D. Meshram ]**  
Judicial Magistrate First Class,  
1 st Court, Shegaon, Dist. Buldana.

I, *P. K. Ingle*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.