



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.

SESSIONS CASE NO.71/2020.
CNR No.MHGO010007262020.

STATE OF MAH. VS. ANKIT BIRANWAR & ORS..

ORDER BELOW EXH.140.
(Passed on 26th April, 2024)

The applicant/accused No.4 by name **Gajendra S/o Zanaklal Marbade** by this application under Section 439 of the Code of Criminal Procedure prays for regular bail in Sessions Case No.71/2020 (Crime No.399/2019) registered with Ramnagar Police Station, District Gondia under Section 364-A read with Section 34, Section 364-A read with Section 120-B, Section 302 read with Section 34, Section 302 read with Section 120-B, Section 201 read with Section 34 and Section 201 read with Section 120-B of The Indian Penal Code.

2. Perused the application and say filed by Learned PP on the backside of application at Exh.140.

3. From the contents of charge-sheet, it reveals that, the allegations levelled against present accused and other co-accused are that on 15th December, 2019 at about 2:00 p.m. at M.I.E.T. College, Kudwa, accused persons in furtherance of their common intention, kidnapped Saurabh Katare for ransom of Rs.30,00,000/-

and murdered him. Another allegations levelled against present applicant and co-accused are that they in furtherance of their common intention, tried to destroy the evidence.

4. From the contents of application, it reveals that, applicant/accused No.4 is falsely implicated. Since 17/12/2019, applicant/accused No.4 is behind bar. His earlier regular bail application at Exh.3 came to be rejected on 30/11/2020 and then after no bail application is filed by applicant/accused No.4. Now, matter is fixed for evidence. During the judicial custody, applicant/accused No.4 had wound on his left feet. The same wound was not controlled by the Jail Doctors. As such applicant/accused No.4 was referred to Government Hospital outside the Jail. Applicant/Accused No.4 is suffering from Gangrene and treatment from Multi Speciality Hospital at Nagpur is required. Proper care of applicant/accused No.4 is necessary with the help of expert doctor. Hence, present application to release the applicant/accused No.4 on regular bail on medical ground.

5. From the say of Learned PP, it reveals that, the applicant/accused No.4 was properly treated. The documents of treatment of applicant/accused No.4 are placed on record from the Jail Authority. Learned PP prayed to reject the application.

6. Heard Learned advocate for applicant/accused No.4 and Learned PP at length. Learned advocate for applicant/accused No.4 prayed to release the applicant/accused No.4 on regular bail on medical ground by mentioning that the treatment from Super

Speciality Hospital is required. Per contra, according to Learned PP, the necessary treatment has been given to applicant/accused No.4.

7. First of all, it is necessary to mention here that on 30/11/2020, order was passed below Exh.3 by the then Learned Additional Sessions Judge, Gondia and regular bail application of applicant/accused No.4 came to be rejected.

8. I have gone through the medical papers filed by Jail Authority along with Exh.142. From the medical papers, it reveals that, there is Gangrene to left toe. From the letter of Superintendent of Jail dated 30/03/2024 at Exh.138, it reveals that, applicant/accused No.4 was permitted to admit at Government Medical College, Nagpur for operation. On perusal of discharge card, it reveals that, from 07/04/2024 to 09/04/2024, applicant/accused No.4 was admitted at General Hospital, Bhandara. On perusal of another discharge card, it reveals that, on 06/04/2024, applicant/accused No.4 was discharged from Government Medical College and Hospital, Nagpur. On perusal of medical papers, it reveals that, the necessary treatment as per rule has been given to applicant/accused No.4 by the concerned Government Doctor who treated him.

9. From the medical papers on record, it reveals that, there is Gangrene to applicant/accused No.4 on his left toe and necessary treatment has been already provided to him. From the record, it reveals that, the best possible treatment has been given to applicant/accused No.4.

10. To my mind, the alleged offence is serious. Considering the nature of offence, punishment provided for it, after going through the medical papers submitted by Superintendent of Jail, Bhandara, I am of the view that no case is made out by applicant/accused No.4 to release him on regular bail on medical ground. At the most, the Jail Authority can be further directed to give best possible treatment to applicant/accused No.4 as per rule. Hence, I proceed to pass following order.

ORDER

1. The application (Exh.140) for regular bail stands rejected.
2. The Superintendent of Jail, Bhandara is hereby directed to provide best possible treatment to applicant/accused No.4 through the Government Hospital as per law.
3. Inform the Superintendent of Jail, Bhandara.

Sd/-

Date: 26.04.2024.

(N. D. Khose)
Additional Sessions Judge,
Gondia.