

ORDER IN BAIL APPLICATION IN RCC NO.301/2025 AT EXH.17

(Passed on this day of 04th of February, 2026)

State Vrs. Dilip & Ors.

01. This is an application for interim bail moved by accused No.2 on the grounds of illness.

02. Perused the application and say of ld. app. Perused the medical papers of accused No.2.

03. The accused averred in the application that his first bail application is rejected by this Court, Hon'ble Sessions Court and Hon'ble High Court. There is no evidence available with the prosecution to connect the accused with the present crime. The accused is an innocent person. He is suffering from Harniya decease. Earlier, he was operated at Nanded Government Hospital. The surgery was not successful. Hence, it is recurred. Now he is suffering from swelling over right inguinal region with poor urinary stream. He was hospitalized by the jail authority. Doctor in Government Medical Collage, Latur, treated him and came to the conclusion that he is suffering from Right Recurrence of Inguinal Harniya with Prostatism Urethral Structure and suggested operation. So, for the purpose of operation the accused has filed this application. Since his previous operation got unsuccessful, now the accused wants to get operated from Kumthekar General Hospital, Solapur which is closed from his native place. The said doctor has treated the accused in March 2025 or in alternate the accused wants to get operated at Swami Vivekanand Hospital, Latur. Hence, requested to grant interim bail of 10 to 15 days for the purpose of operation.

04. Ld APP submitted that, the accused is in judicial custody. Thus, it is the duty of the State to take care of medical need of the accused. The adequate medical facilities are available in the government hospital.

J.M.F.C.

Hence, seeking bail on medical ground is not proper. Thus, requested to reject the application.

05. The application was moved on behalf of the accused at Exh.11 in which it was submitted that the accused had chronic disorder of stomach since before judicial custody. He was undergoing medical treatment but operation was not done. Now, the accused is suffering from urinal problem. The accused requested the jail authority to get him proper treatment but jail authority neglected. The accused could not pass urine since last three days. The disorder of the accused is serious. Hence, requested to direct the jail authority to submit the report about medical treatment provided to the accused or to provide necessary treatment to the accused.

06. Upon receiving application of the accused at Exh.11, report of jail authority was called. The jail authority submitted the report at Exh.12 in which it is stated that the accused is suffering from Right Recurrence of Inguinal Harniya with Prostatism. He is undergoing from treatment as indoor patient and needs operation. Certificate of head of the department of Vilasrao Deshmukh Government Medical Collage, Latur is submitted therewith which reveals the same. The accused submitted the documents which reveal his chronic disorder and previous medical history.

07. Undisputedly, as per the report received from jail authority, the accused is undergoing treatment at Government Hospital, Latur. However, it is the right of every individual to get medical treatment from a doctor of his choice because ultimately his health happens to be at stake. As per the medical report, the accused needs operation. Therefore, it seems proper to grant interim bail to the accused without touching the merits and facts of the case only on consideration of medical attention the accused requires. Considering the need of the accused, it is proper to grant interim bail of 15 days to the accused. In result, I pass the following order.

J.M.EC.

ORDER

1. Application is allowed.
2. The accused No.2 is released on interim bail of 15 days i.e. till 20.02.2026 on executing P.B. and S.B. of Rs.25,000/- (Rupees Fifteen Thousand only) each.
3. On or before 20.02.2026 the accused shall surrender before this Court with fitness certificate from the concerned medical officer or registered doctor and documents of his treatment during the period of interim bail.
4. The accused shall not leave the local limits of districts Latur, Dharashiv and Solapur during the period of interim bail.
5. On surrender of the accused within prescribed period, his bail bonds will automatically stand cancelled.

Place :- Ahmedpur.

Date :- 04.02.2026.

(S.D. Wadgaonkar)

Judicial Magistrate First Class,
Ahmedpur.