

Order On Bail Application In RCC No.301/2025 At Exh.39.

State Vs. Dilip & Ors.

(C.N.R.NO.MHLA060026512025)

01. This order is passed in continuation of order below this application dated 25.03.2026 whereby the applicant accused is taken in custody and the superintendent of jail was directed to take the accused to government hospital for medical examination and medical officer was directed to submit the report about medical condition of the accused.

02. As per the order dated 25.03.2026 the accused was submitted to jail. Inspite of direction to submit the report at the earliest given by order dated 25.03.2026 jail authority failed to submit the report till 18.04.2026. On 18.04.2026 the applicant accused filed application at Exh.52 praying to issue show cause notice for committing contempt of Court to superintendent of jail. The Id. Incharge Court vide its order of the same day directed the jail authority to send the medical report of accused No.2 within two days. The letter to the superintendent of jail to that effect was issued on the same day and the jail authority submitted the report at Exh.53. With report at Exh.53 there is a letter issued by medical superintendent of Vilasrao Deshmukh Government Medical Collage, Latur addressed to the superintendent of jail, Latur along with two other letters issued by the associates professor of Surgery Department and Urology Department of Vilasrao Deshmukh Government Medical Collage, Latur. One of the letters dated 09.04.2026 with report at Exh.53 discloses that the Urology Department had directed the accused to be admitted for cystoscopy examination. However, the refused for his own admission.

This report suggests that the medical officer could not comply order of this Court below this application dated 25.03.2026 owing to the refusal of the accused for admission to undergo cystoscopy examination. Therefore, it is clear that refusal of the accused amounted to non compliance of the order of this Court by the medical officer. Therefore, the say of the accused was called on Exh.53. The accused has submitted his say at Exh.54 and pursis at Exh.55. In pursis at Exh.55 the accused submitted his willingness to undergo cystoscopy examination and has prayed for interim bail to receive treatment from a doctor of his choice. No doubt the accused has every right to undergo treatment from a doctor of his choice. At the same time, the necessity of interim bail on medical ground as prayed has to be ascertained. Especially in the light of the fact that the accused was on interim bail from 04.02.2026 to 25.03.2026 and has already undergone one surgery. Therefore, in the light of the above stated facts, it is desirable to direct the jail authority to take the accused again to the Government Hospital, Latur to undergo cystoscopy examination or any other examination in regard to that. The medical officer shall carry out the examinations which are essential to submit the report as per the direction given by this Court in order dated 25.03.2026. It is further desirable in the light of previous default to direct the jail authority to comply the order within stipulated period. Hence, I pass the following order;

ORDER

1. The superintendent of jail, Latur to take the accused to Vilasrao Deshmukh Government Hospital again for Cystoscopy examination or any other examination as per the requirement.

2. The accused shall offer himself for any examination needed for compliance of the direction of this Court by the medical officer.
3. Failure of the accused to offer himself for any examination which is required for compliance of order of this Court by the medical officer, will amount to waiver of his right to receive treatment from a doctor of his choice.
4. The medical officer is directed to carry out all examinations required for compliance of order dated 25.03.2026 of this Court and submit the report on the same day or within a minimum time required for submission of such report.
5. The jail authority to forward the report of medical officer to this Court on the same day on which it is received from the hospital or at maximum on next day.
6. Both the authorities shall view this order especially the time limit seriously.
7. The matter be again kept on 27.04.2026.
8. Issue copy of this order and order dated 25.03.2026 to superintendent of jail, Latur and Superintendent of Vilasrao Deshmukh Government Medical Collage, Latur for ready reference.

(Swanandi D. Wadgaonkar)

Date: 24-04-2026

Judicial Magistrate (F.C.),
(Court No.01), Ahmedpur.