

MHNG030012172024



R.C.C./227/2024
STATE OF MAHARASHTRA VS. MANDAR ANIRUDDHA
KOLTE AND 16

ORDER BELOW BAIL APPLICATION EXH.92

IN

C.R. NO.440/2023 OF P. S. DHANTOLI

(U/SEC. 420, 406, 419, 467, 468, 471, 171, and 120-B of the
Indian Penal Code)

1. Accused **Mandar Kolte** has filed this application for enlarging him on Interim bail in C.R. No.457/2023, registered with Dhantoli Police Station for offences punishable U/Sec. 420, 406, 120-B, 506 read with Section 34 of the Indian Penal Code.

2. Learned Advocate for Accused submitted that the Accused is languishing in jail since 16.10.2023. The investigation has been completed and charge-sheet is filed before the court. The counsel for the Accused/applicant sought interim bail, since Applicant is suffering from serious medical heart ailments. It is further submitted that, he has undergone

angiography and due to blockages in his heart, his health is deteriorating in jail. The medical facilities available in jail are inadequate and not proper for treatment. The Applicant requires specialized medical attention at recognized hospital. The continued detention is causing great prejudiced to the health of the applicant. Therefore, on humanitarian and medical ground the accused be released on interim bail for the period of six months.

3. Learned A.P.P. opposing the present application submitted that during the investigation strong evidence is collected against the present accused, which shows his involving in the present crime. It is submitted that, specialized medical treatment is made available to the accused in jail. The condition of the accused is not life threatening. The cardiac issues including the blockages are routinely treated through medication angioplasty and close monitoring is available inside jail. Having 90% blockages cannot be an exceptional circumstance to grant interim bail. The Hon'ble High Court and Hon'ble Apex Court in many cases held that, mere illness is not a ground for bail unless it is shown that, required treatment is not possible in custody. It is further submitted

that, as held by Hon'ble Supreme Court the bail on the medical grounds cannot be mechanically granted if proper medical facilities are available in custody. Since, as per report of medical officer, it is seen that, patient is properly treated and his general condition is satisfactory at present. Therefore, the present applicant requires to be rejected.

4. The informant has also submitted this reply opposing the present application through the learned APP. The Informant vehemently opposed the present application contending that, the applicant has not produced on record any medical record showing that treatment is impossible in custody and that the condition imposes at immediate life threat requiring release. Therefore, the ground of 90% blockages is legally unstainable therefore, prayed for rejection of the present application.
5. Perused the entire material placed on record. Heard Counsel for Applicant/Accused and Ld. APP for the State. The present application is filed for the limited purpose of releasing the applicant on interim bail for six months, considering his heart having 90% blockages in his artery. I have carefully perused the medical papers submitted by

Superintendent Nagpur Central Prison in RCC No.227/2024 below Exh.95. The report states that, the applicant is suffering from *HTN with seizure disorder with low back pain with C3-4-5-6 degenerative changes with L-5-S-1 PIVD*. It is further submitted that, the applicant was taken 68 times at Government Medical College and Hospital, Nagpur for orthopaedic and Physiotherapy Department so also at specialized cardiology and neurology treatment. The applicant was regularly examined and medically treated. On 11.09.2025 the specialized cardiology department advised him for angioplasty and accordingly between 22.09.2025 to 26.09.2025 angioplasty was carried out. He was also diagnosed with *IHD-ACS, RHD with moderate MR with HTN with seizure disorder with right lower leg radiculopathy* and he is being treated by Chief Medical Officer and other Medical Officer at Central Prison, Nagpur. The report lastly submits that, at present the applicants condition is satisfactory on medication. It is admitted that, the applicant has various physical ailments, for which he is regularly receiving treatment. The record reveal that, he has been treated by various medical officers at Government Medical College and Hospital, Nagpur. As per the medical advised

he has receiving medical procedures. According to the report filed by Medical Officer Nagpur Central Prison, the medical condition at present is satisfactory. It is not disputed that Applicant has a fundamental right to be treated medically whenever required, but since his liberty is curtailed, some reasonable restrictions follow. The record nowhere discloses that, the desired treatment is not available or cannot be provided to the applicant by the jail authorities. Since his condition at present is satisfactory and the applicant failed to bring anything on record regarding which specialized treatment he is required to be temporarily released on bail. Therefore, at present the prayer for interim bail cannot be considered. Hence, I proceed to pass the following order; -

-: O R D E R :-

Application is rejected.

Place: Nagpur.
Date: 01/12/2025

(Kaustubh Nagesh Marathe)
Judicial Magistrate, F.C. Nagpur.
Court No.1