

MHRT010003772023



IN THE COURT OF ADDL. SESSIONS JUDGE, RATNAGIRI.
(Presided by A. M. Ambalkar, Addl. Sessions Judge, Ratnagiri)

Sessions Case No. 15/2023.

The State Of Maharashtra

Prosecution

Vs.

Pandharinath V. Amberkar

Accused

ORDER BELOW EXH.244

(Decided on 31.03.2026)

(1). Perused the application and say. Heard learned advocate Shri. P.P. Nene for applicant and learned APP Shri. A. A. Phansekar for prosecution.

(2). By this successive application, the applicant prayed to grant regular bail on the medical ground.

(3). The accused has been facing trial for the offence punishable under section 302 of the Indian Penal Code. The accused has preferred in all three applications for bail before this Court. But all of those applications came to be rejected. However,

the interim bail application for six weeks came to be granted on the medical ground.

(4). The applicant/accused submitted that he has been suffering from high-blood pressure and angioplasty was suggested which came to be conducted on 30/05/2024. The doctors advised regular follow-up and check up and also prescribed various medicines.

(5). The accused came to be examined in the Ramnath Hospital on 27/01/2025 till 30/01/2025 and an exhaustive medical investigation was carried out and opined that the accused has been suffering from CAD with accelerated hypertension with DM type II with PIVDL4,L5,S/P-PTCA to LAD and LCX and opined that accused required proper care and caution. This caused pain and it may caused numbness or weakness in the lower back and legs due to nerve compression and other health issues. The Prison Authority and the medical officer attending the prison have not taken care of the applicant/accused. However, by the order of Court, the Medical Officer of Civil Hospital, conducted blood and urine test and sonography and it revealed that the present applicant is having kidney stones and gallbladder stones.

(6). It is further submitted that the Civil Hospital, Ratnagiri is not having facility of Urologist or Nephrologist or Cardiologist. No permanent MD (physician) is appointed at Civil Hospital, Ratnagiri. The private practitioner used to visit Civil Hospital for these services.

(7). It is further submitted that after grant of interim bail, the applicant could not receive his medical papers from Prison Authority within time and it was delayed to hand over the same. The applicant accused came to be examined in the hospital of Dr. Lotlikar and ECG also was conducted. Ultra Sonography of abdomen has been carried out by Dr. Ninad Naphade which showed series of stones in gallbladder and left kidney measures 7.7 x 4.4 cm showing gross parenchymal Scarring and irregular Cortical margins and the post void residual volume is 33 CC prostate having size 55 gm and it was advised to take opinion of Urologist. The applicant could not go to Mumbai for further treatment as he received medical papers belatedly. The applicant had taken appointment in Hinduja Hospital, Mumbai and various investigations were carried out on 28/01/2026 and 29/01/2026. Doctor suggested certain tablets. The investigation report showed the following elements.

- A. The gallbladder is partially distended and shows multiple hyperdense calculi with suspicious calculus in the cystic duct.
- B. The left kidney is small in size with lobulated margins and cortical thinning with mild hydronephrosis and proximal hydroureter.
- C. The left ureter shows the dilatation till L3 lower margin and then shows abrupt narrowing structure.
- D. Mild prostatomegaly.

(8). It revealed that proper surgical procedure is required to be performed. The accused decided to take treatment in the

other hospital at Boriwali. Doctor advised to undergo surgery. The accused was admitted in Jeevanam Hospital, Boriwali during 06/02/2026 to 08/02/2026 and he was referred for MRI of gallbladder and pancreas. The report received of the same which showed following major elements.

- A. Multiple T2 hypointense culculi seen within the gallbladder, measuring approximately 3 to 4 mm in size.
- B. Significant cortical scarring and small size left kidney.
- C. Tiny branch duct cystic lesion (4.6mm) at the pancreatic inferior head region, requires follow up.
- D. Significant cortical scarring and small size left kidney.

(9). The doctors opined that applicant needs to undergo the surgery and issued certificate accordingly. The applicant came to Ratnagiri to take final opinion of Dr. Lotlikar at Ramnath Hospital, Ratnagiri. On 18/02/2026, the applicant visited to Ramnath Hospital and has taken the appointment of Dr. Manoj Manchekar. The said doctor checked and evaluated and after going through the reports and opinion above referred and prescribed some medicines and advised to take urological opinion.

(10). As such considering the above mentioned peculiar facts and circumstances and serious nature of ailments, the applicant needs to undergo surgeries relating to kidney, gallbladder, prostate, diseases related to anus in near future. The accused is regularly taking medicines. The accused is diabetes patient since long time. The required high-tech facilities are not available at

Civil Hospital, Ratnagiri and not even available in the private hospital at Ratnagiri. The accused is desirous to perform all these surgeries by his own expenses at higher center like Mumbai. Therefore it is necessary to release the applicant for short-term bail. He has obeyed all the conditions imposed by the Court during the period of bail and he has not even attempted to tamper with prosecution evidence. He has not entered in the territory of Rajapur Taluka during short-term bail. He has not absconded. He attended the Court during trial. He is having ancestral properties.

(11). It is further submitted that the prosecution examined around 20 witnesses and it is apparent that nothing much incriminating evidence could be brought on record by the prosecution. He is co-operating for expeditious trial. Finally, it is prayed to release the applicant on bail for four months for taking treatment.

(12). The investigating Officer filed his say at Exh.249 and strongly resisted the application and submitted that the offence is serious one. Previous bail applications have been rejected. There is criminal history of the applicant. The Hon'ble Bombay High Court also rejected the bail application. The applicant is having political background and he may pressurize or induce the witnesses. He may abscond. It is further submitted that there seems no urgency in respect of so called treatment of the accused. He may take treatment under the surveillance of police squad as previously taken. Finally, it is prayed to reject the application.

(13). Learned advocate Shri. P. P. Nene for applicant/accused relied upon following judgments.

1. Satyendar Kumar Jain Vs. Directorate of Enforcement in Special Leave to Appeal (Crl.) No(s).6561/2023, decided on 26/05/2023 by Hon'ble Apex Court.
2. Mohammad Nawab Mohammad Islam Malik @ Nawab Mali Vs. Directorate of Enforcement in Special Leave to Appeal (Crl.) No(s).8836/2023, decided on 11/08/2023 by Hon'ble Apex Court.
3. Ashumal @ Ashram Vs. State of Gujarat in Special Leave to Appeal (Crl.) No(s).15945/2024, decided on 07/01/2025 by Hon'ble Apex Court.
4. Jyoti Jagtap Vs. National Investigating Agency & Anr in Criminal Appeal No(s).2598/2023, decided on 16/09/2025 by Hon'ble Apex Court.
5. DR P Varavara Rao Vs. National Investigation Agency & Anr., 2022 LawSuit(SC) 1558
6. Asif Latief Naik s/o. Latief Ahmad Naik Vs. Union Territory of J & K., 2025 LawSuit(J&K) 20

(14). Learned advocate Shri. P. P. Nene produced medical reports of the applicant on record which is bulky enough consisting of various reports and prescriptions of various hospitals and doctors. He further submitted that this Court granted interim bail to the applicant previously for six weeks and there is no complaint of I.O. that the applicant has taken undue advantage of the said bail to the applicant. It is further submitted that the applicant has

proved himself to be sincere enough and he behaved as a law abiding citizen. The reports produced shows that the applicant needs urgent treatment from the specialist doctors. For that purpose, he needs to go to Mumbai. He prayed to allow the application.

(15). It is material to note that when previous bail application for interim period on the ground of medical exigency, the accused was brought before the Court and his appearance was clearly indicating his ill-health and mental condition and he was carrying many tablets with him at that time. At the time of hearing of the said application, it was submitted that even if trial concluded into conviction, the accused shall remain alive for sufferance of conviction order and for that purpose, he be released on bail for taking expert's opinion of specialist doctor at Mumbai. Considering mental condition and ill-health of applicant at that time, which was apparent on humanity ground interim bail for six weeks was granted. No doubt accused appeared on the day fixed and surrendered before the Court. What was apparent at that time was the applicant was not suffering from any disease and was not also suffering any mental trauma and he was in good condition.

(16). As far as various medical reports produced on record are concerned, I am of opinion that there is no apparent urgency to immediately send him to the doctor. If any serious complaints are there, then definitely the applicant can be taken to the private hospital as per his choice under the surveillance of police squad. Therefore I came to conclusion that there is no substance in the

present application. Hence, I proceed to pass following order.

ORDER

1. Application Exh. 244 is hereby rejected.
2. Inform the concerned accordingly.

Date :- 31/03/2026.

(A. M. Ambalkar)
Addl. Sessions Judge, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Sessions Case No.15/2023 Exh.244
Name of Stenographer	:-	Shri.Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri.
Date of Dictation	:-	31.03.2026
Order signed by the P.O. on	:-	31.03.2026
Order uploaded on	:-	07.04.2026