

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.31.**

(Decided on 03.05.2024)

1. By this application, the applicant accused prayed for short term bail for medical treatment. It is submitted by applicant that he has been arrested and detained in jail in this case for the offence punishable under section 302 of the Indian Penal Code, since the month of February 2023. As such since more than one year, he is in jail. He is having serious ailments like diabetes Millitus and hypertension and he is suffering these ailments since 7 to 8 years. He is also taking regular treatment for the said ailments. The concerned doctor opined that he is required to take life long treatment for these disease. As he is in custody, he is under tremendous mental pressure and shock and because of that the said ailments have become aggravated and he is facing lot of

health problem.

2. The Jail Authority used to refer the applicant to the General Hospital, Ratnagiri for medical check up. Now a days, the accused is frequently facing problem of chest pain. Therefore, the concerned, doctor has thoroughly checked up the accused for proper diagnosis. ECG as well as echo cardiogram has also been done. The medical papers have been called by this Court and accordingly, the Prison Authority has submitted the said record. If the said medical papers and prescriptions if gone through, it reveals that applicant is facing said health problems.

3. The applicant accused was checked on 09/03/2023. The concerned doctor has advised to carry out angiography. The facility of angiography is not available in the General Hospital, Ratnagiri. However, at Ratnagiri, the said facility is available at Konkan Cardiac Centre. After conducting angiography, the doctor can evaluate the exact percentage of blockages in the blood vessels. If the blockages found at alarming extent, then angioplasty is required to perform immediately. Therefore, it is necessary to perform angiography. The accused is having persistent chest pain and therefore, no other option is left except to undergo the angiography.

4. Therefore, the applicant is praying for short term bail on medical grounds. The applicant undertakes that he will not jump bail and he will not tamper with the prosecution evidence

and he assured that after completion of short term bail period, he will immediately surrender before this Court. The witnesses of this offence are not residing at Ratnagiri and they are residing within the area of Rajapur. The applicant is ready to abide conditions imposed by the Court. Finally, he prayed for short term bail for one month.

5. Investigating Officer filed detailed say at Exh.33 and strongly resisted the application and submitted that the offence is serious one. The accused is high handed. There is tremendous terror of the accused within the area where he resides. He may abscond. The applicant accused applied before Hon'ble High Court for quashing FIR, however, it has been dismissed. He has also applied for discharge. The appellant also applied for regular bail before Hon'ble High Court. It is further submitted that if applicant requires any medical treatment, then by taking opinion of Medical Officer of Government hospital, such medical treatment can be given under surveillance of police. Finally, it is prayed to reject the application.

6. Heard learned advocate Shri. Nene for the applicant/accused and learned APP Shri. Phansekar for prosecution. I have also gone through the medical report which has been submitted by Prison Authority. The OPD papers of 09/03/2004 show that angiography is suggested to the applicant and it also reveals that the patient made complaint of chest pain.

7. The 2 D ECHO Screening report issued by Dr. Matin

Parkar, Cardiologist does not reveal any abnormality. The OPD papers of Civil Hospital, Ratnagiri shows the complaint of chest pain and only on that basis angiography appears to have been suggested.

8. Here it is material to note that applicant, accused has been alleged to be supporter of refinery project and in Rajapur Taluka he has purchased various landed properties and he created terror in the minds of protesters of refinery project. As per the prosecution case, the deceased was reporter and he published news against the applicant and it is also alleged that that gave motive to the applicant/accused while using his Mahindra Thar four wheeler, he gave dashed to the 2 wheeler of reporter and caused his death. As such, the allegations are serious one, charge-sheet is filed and there appears sufficient material against the accused and this Court also rejected discharge application filed by this applicant.

9. Learned APP vehemently submitted that the applicant is having political power as well as money power. He can afford the expenses of police squad and whenever he needed any medical treatment, he can apply for it and such permission can also be given to take treatment under surveillance of police squad in the hospital where applicant wishes to take treatment in Ratnagiri City.

10. Learned advocate Shri. Nene vehemently submitted

that the applicant is ready to obey all the conditions imposed by the Court and he undertake that during the period of short term bail and 15 days is also sufficient for treatment, he will not even use mobile phone, he will not enter in the vicinity of Rajapur Taluka and he will surrender before the Court after expiry of said short term bail period.

11. Considering the nature of accusation and the material collected by Investigating Officer, I am of opinion that the applicant may apply for treatment under the surveillance of police squad by applying for so and on depositing requisite charges. The Prison Authority can be directed to that effect. However, considering aforesaid facts and circumstances, I am of opinion that the applicant is not entitled for grant of bail for short term also. Hence, I proceed to pass following order.

**ORDER**

1. Application stands rejected.
2. The applicant is at liberty to apply for medical treatment in hospital namely Konkan Cardiac Centre from the expert doctor and take treatment by the expert doctor under the surveillance of police squad by depositing requisite charges.
3. Inform the concerned accordingly.

Date: 03.05.2024

(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 Order below Exh.31
Name of Stenographer	:-	Shri.Rajesh G. Rahate
Name of Court	:-	Addl. Sessions Judge, Ratnagiri.
Date of Dictation	:-	03.05.2024
Order signed by the P.O. on	:-	03.05.2024
Order uploaded on	:-	03.05.2024