

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1445 OF 2026

Dev Sushil Gupta ...Applicant
Versus
The Union of India and Anr. ...Respondents

Mr. Animesh Jadhav, for the Applicant.
Ms. Akansha Mishra & Rahul Tiwari, for the Respondent No.1.
Ms. S.K.Gajare, APP for the Respondent No.2-State.

CORAM: R. M. JOSHI, J.
DATED: 16TH APRIL, 2026.

PC:-

1. Heard learned counsel for both sides.
2. A Report was called with regard to the present health status of the Applicant. The Chief Medical Officer, Taloja Central Prison, Navi Mumbai has submitted the report. The relevant portion of the Report reads, thus:-

“The said prisoner is suffering from chronic progressive oral submucosal fibrosis. He was referred to higher centers on the dates mentioned above for the same. Sir J. J. Group of Hospital also refer to St. George Hospital, Mumbai. Due to chronic and advance stage of the disease with potential malignant progression, conservative management is not possible due to restricted mouth opening/14 mm thick fibrous band palpated on buccal mucosa as mentioned by experts of dental and OMFS department at St. George Hospital, Mumbai. However, the necessary definitive treatment is not available at St. George

Hospital, Mumbai and the prisoner was advised orally to visit previously treating maxillofacial surgeon for further management, as told by the prisoner.”

3. It is thus, clear from above Report that necessary definitive treatment is not available at St. George Hospital, Mumbai and the prisoner was advised orally to visit previously treating maxillofacial surgeon for further management.
4. Pursuant to the said Report, an affidavit is filed by the mother of the Applicant indicating that the treatment on the Applicant could be undertaken in Sir H. N. Reliance Foundation Hospital (also known as Harkisondas Hospital), situated at Prarthana Samaj, Raja Ram Mohan Roy Road, Mumbai-400 004 or Suvarna Hospital situated at Chandan Valley, Mira Bhayander Road, Mira Road (East), Mumbai-401 107. The affidavit filed by the mother of the Applicant is taken on record.
5. Learned counsel for the Applicant submits that above options are given in order to take care of the situation, i.e., if the bed is not available at Sir H. N. Reliance Foundation Hospital, in that case, the Applicant could be taken to Suvarna Hospital, Mira Road (East). Learned counsel for the Applicant, on instructions, makes further statement that the Applicant would be required to undergo eight weeks medical treatment in the Hospital.
6. Learned counsel for the Respondents opposes the grant of bail to the Applicant.
7. Perusal of the Report of the Chief Medical Officer, Taloja Central Prison, Navi Mumbai, indicates that the Applicant requires

immediate medical treatment and such a treatment is not available at St. George Hospital, Mumbai. He was advised orally to visit previously treating maxillofacial surgeon for further management. This Court is informed that previously, the Applicant was taking treatment in Sir H. N. Reliance Foundation Hospital, Mumbai – 400 004. This Court therefore, finds it appropriate to enlarge the Applicant on medical bail for a period of eight weeks.

8. In order to ensure that the Applicant does not misuse his liberty, and that he would surrender himself to the Jail Authorities after conclusion of the medical treatment, appropriate conditions are imposed. Hence, following order:-

ORDER

(i) The Applicant be enlarged on temporary medical bail for a period of eight weeks from today in connection with File No. SD/INT/AIU/50/2026-AP 'A' registered with the Air Intelligence Unit (AIU), CSMI Airport, Terminal-II, Mumbai;

(ii) The Applicant be released from jail on furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant is directed to inform in writing to the Air Intelligence Unit (AIU), CSMI Airport, Terminal-II, Mumbai about the name of the Hospital in which he would take medical treatment.

(iv) The Applicant shall send medical certificate for every 15 days to the Investigating Officer of the Air Intelligence Unit (AIU), CSMI Airport, Terminal-II, Mumbai in order to enable him to take note of the medical condition of the Applicant.

(v) The Applicant to surrender to Jail on completion of eight weeks time from the date of his release from Jail.

9. All parties are directed to act on an authenticated copy of this order.

10. Stand over to 16th June 2026.

(R. M. JOSHI, J.)

Digitally
signed by
SHAMBHAVI
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.04.17
10:53:07
+0530