



IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6838 of 2024

***Parsuram Rajneth Bhai Pal***

.....

***Petitioner***

Represented By Adv. –  
M/s. Prafulla Rath,  
Sidharth Das, S.P.  
Tripathy, D. Acharya,  
Soumya Mishra, Dibya  
Mahajan

-versus-

***State Of Odisha***

.....

***Opposite Party***

Represented By Adv. –  
Mr. Bibekananda Bhuyan,  
Advocate for the OPID

**CORAM:**

**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**

**20.11.2024**

**I.A. No.959 of 2024**

**Order No.**

- 13.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
  2. The above noted interlocutory application has been filed at the instance of the above named Petitioner for his release on interim bail for a period of three months.
  3. Learned counsel for the Petitioner, at the outset, submitted that the Petitioner, who is suffering from cardiac ailments and has been diagnosed with five blockages in his coronary artery, desires to be treated by either the All India Institute of Medial Science, New Delhi or the Medanta



Hospital, Gurgaon, Haryana. She further contended that Advance Laser Angioplasty, which is a less invasive procedure, is available only at the above noted two reputed medical institutions in India. She further submitted that such facilities are not available in any of the medical institutions situated in the State of Odisha.

4. On perusal of the record, it appears that the Petitioner has been languishing in jail custody having been implicated as an accused in E.O.W., Bhubnaeswar P.S. Case No.23 of 2023, corresponding to C.T. Case No.18 of 2023, pending before the learned P.O., Designated Court under O.P.I.D. Act, Cuttck, for the alleged commission of offences punishable under Sections 406/420/467/468/471/120-B of the I.P.C. read with Sections 4/5/6 of the Prize Chits and Money Circulation Schemes (Banning) Act and under Section 6 of the O.P.I.D., Act, 2011.

5. The allegations made in the F.I.R., in gist, is that the Petitioner along with co-accused Pankaj Kumar Parida have cheated the investors by promising them that in lieu of investment in their company for opening of new grocery and daily utility item marts in different cities of Odisha, they would provide the investors lucrative returns ranging from 2% to 3.5% of interest on their investment. As per the F.I.R., the total magnitude of the fraud seems to be around



Rs.12 Crores.

6. On perusal of the record, it reveals that the Petitioner was arrested and he has been languishing in jail custody since 15.02.2024. It further appears that the investigation of the case has been concluded and final charge sheet has been filed under the aforesaid sections of I.P.C. and PCMCS Act. After rejection of his bail application in C.T. Case No.18/2023 vide order dated 24.06.2024 by the learned P.O., Designated Court under the O.P.I.D. Act, Cuttack, the Petitioner has approached this Court by filing the present application for his release on regular bail under Section 439 of Cr.P.C.

7. Learned counsel for the Petitioner, at the outset, contended that the Petitioner, who is suffering from cardiac ailments, was initially treated by the Medanta Hospital, Gurgaon, Haryana, where he had undergone angioplasty procedure in the year 2016. She further contended that recently the Petitioner had undergone a health check-up by a team of doctors of the S.C.B. Medical College and Hospital, Cuttack while he was in custody. After such medical examination, the team of doctors have reported that the Petitioner has multiple blockages in his coronary artery. No doubt, the same requires urgent medical attention. Learned counsel for the Petitioner, at this juncture, submitted that



although the Petitioner had been advised an angioplasty procedure by the doctors at S.C.B. Medical Colleges and Hospital, Cuttack, however, keeping in view the health condition and the age of the Petitioner, the family members of the Petitioner are of the view that same would be extremely risky. She further contended that the family of the Petitioner have consulted the Cardiology Department of the Medanta Hospital, Gurgaon, Haryana. Upon such consultation, the Petitioner has been advised to undergo laser coronary angioplasty procedure to be performed at Medanta Hospital, Gurgaon, Haryana. Since such medical procedure is not available at any of the hospitals in the State of Odisha, the learned counsel for the Petitioner submitted that the Petitioner be released on interim bail for three months and that the Petitioner undertakes to surrender after the aforesaid medical procedure is performed at Medanta Hospital, Gurgaon, Haryana.

8. Mr. Bibekananda Bhuyan, learned counsel appearing for the O.P.I.D., on instruction, contended that the Petitioner has failed to produce any such paper advising him to undergo the advanced laser angioplasty procedure by the treating doctors at Medanta Hospital, Gurgaon, Haryana. He further contended that the Petitioner is having eight similar criminal antecedents involving financial fraud and in connection with the aforesaid cases, he is required by the



police in Telegana, Andhra Pradesh, U.P. and Jammu. In such view of the matter, learned counsel for the O.P.I.D. classified the present Petitioner as a white colour inter-state criminal, who is required by the police of several states. He also referred to the magnitude of the fraud in the State of Odisha, which is approximately to the tune of Rs.12 Crores. Learned counsel for the O.P.I.D. further expressed his opinion that in the event the Petitioner is released on interim bail, there is every likelihood that he might abscond from justice and it would be difficult on the part of the Odisha police to ensure the attendance of the Petitioner before the trial court during the trial.

9. In course of his argument, learned counsel for the O.P.I.D. did not dispute the fact that the Petitioner has several blockages in his coronary artery and, as such, he has been advised for Catheter Angiography. He further contended that the Professor and Head of Department of Cardiology of S.C.B. Medical College & Hospital, Cuttack, on examination of the Petitioner, has opined that the Petitioner is suffering from Coronary Artery Disease (CAD) and that he has been advised for Coronary Artery Bypass Surgery (CABG). However, the Petitioner is unwilling to undergo the CABG procedure. Mr. Bhuyan, learned counsel for the O.P.I.D. further contended that Coronary Angiography & Catheter Angiography facilities are



available at SCB, Medical College & Hospital, Cuttack and AIIMS, Bhubaneswar. He further submitted that at no point of time have the treating doctors advised the Petitioner to undergo Advanced Laser Angiography treatment.

10. On a careful analysis of the case history, it appears that it is not disputed by either side that the Petitioner is suffering from heart ailments like CAD. Undoubtedly, the CAD is a very serious health issue and may eventually pose a threat to the life of a person. The only question that falls for determination by this Court, at this stage, is whether the Petitioner can be permitted to undergo the Advanced Laser Angioplasty procedure as desired by the Petitioner, his well-wishers and his family members, in the absence of any specific medical advice to that effect?

11. Learned counsel for the Petitioner submitted that before being arrested in connection with the present case, the Petitioner was undergoing treatment at Medanta Hospital at Gurgaon, Haryana and where he had undergone a medical procedure in the year 2016. Thereafter, he was attending the hospital regularly for his follow up check-up at Medanta Hospital, Gurgaon, Haryana. In such view of the matter, learned counsel for the Petitioner further contended that it is not the procedure that will be performed on the Petitioner which matters at this juncture. On the contrary,



she contended that the fact that the Petitioner is having heart ailments, i.e., CAD is supported by the report submitted by the team of doctors of S.C.B. Medical College and Hospital, Cuttack and such fact has also been admitted by the learned counsel for the O.P.I.D. She further contended that the Petitioner should have the option to choose the procedure he wants to undergo especially keeping in view the fact that the procedure is to be performed on his body and given the fact the Petitioner admittedly has very critical underlying medical condition.

12. On a careful analysis of the factual position as well as the documents produced before this Court, this Court is of the view that although the Petitioner is an under trial prisoner, his right to life, as guaranteed under Article 21 of the Constitution of India, is to be fully protected. Moreover, the nature of the ailment possesses a serious threat to the life of the present Petitioner. Therefore, the Petitioner has every right to choose the procedure he wants to undergo, so far his medical condition is concerned. This Court is also under an obligation to ensure that the Petitioner appears before the trial court and cooperates with an early conclusion of the trial. No doubt, the jail authorities have taken effective steps for the treatment of the Petitioner while he is in jail custody. However, if the Petitioner wants to go for a better treatment at his own cost, it would neither be proper nor



desirable and reasonable on the part of this Court to stand in the way of the Petitioner to get such medical treatment as desired by him, particularly when the Petitioner is ready and willing to bear the expenses.

13. It is needless to mention here that Article 21 of the Constitution of India covers within its sweep every citizen of this country irrespective of their status. The right to avail health care facility, being a part of Article 21 of the Constitution of India, the same cannot be curtailed by applying the procedural laws. Article 21 of the Constitution of India is sacrosanct and the duty of this Court is to ensure that the right to life of every citizen including that of a U.T.P. like the Petitioner is to be protected.

14. Keeping in view the aforesaid avowed principle and the constitutional guarantee to every citizen, this Court is of the view that the Petitioner should be provided with the opportunity to avail a better medical facility available at Medanta Hospital, Gurgaon, Haryana subject to certain terms and conditions.

15. Accordingly, it is directed that the Petitioner be released on interim bail for a period of four weeks starting from the date of his release from judicial custody in C.T. No.18 of 2023 on furnishing bail bond of Rs.10,00,000/- (Rupees Ten Lakhs) with two local solvent sureties each for



the like amount to the satisfaction of the court in seisin over the matter. The release of the Petitioner on interim bail shall also be subject to the following terms and conditions:-

- I) He shall not tamper with any of the prosecution evidence while on interim bail;
- II) He shall surrender before the trial court on or before the date of expiry of interim bail period;
- III) He shall not leave the country while on interim bail and, accordingly, he is directed to surrender his travel documents including passport before the trial court. In the event it is found that the Petitioner's travel documents have already been surrendered before any court or authority, an affidavit to that effect be filed before the trial court;
- IV) On production of a copy of this order, the Director General of Police, Odisha shall make arrangements to depute a police officer not below the rank of Sub-Inspector. If required, the Director General of Police, Odisha, shall assess the gravity of the situation and may depute more officers. The travelling and boarding expenses of such police personnel



shall be borne by the Petitioner; and

V) In addition to the above, the Director General of Police, Odisha shall coordinate with his counterpart in the State of Haryana and make a request to provide any police assistance at Guargaon, Haryana in the event the same is felt necessary by the police officers, who are deputed for the safety and security of the Petitioner and to ensure that the Petitioner comes back and surrenders before the court in seisin over the matter.

16. It is further made clear that violation of any of the conditions would give liberty to the Investigating Agency to move an application immediately for cancellation of this interim bail.

17. Accordingly, the I.A. stands disposed of.

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18. List this case on 24<sup>th</sup> December, 2024. Surrender certificate be filed by the next date positively.

**( Aditya Kumar Mohapatra )**  
**Judge**