IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (PAROLE LEAVE) NO. 14847 of 2026

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BHARATDAN SHIVDAN GADHVI
Versus
STATE OF GUJARAT & ORS.

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Appearance:
THROUGH JAIL for the Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

Date : 15/10/2026
ORAL ORDER

1. This application is filed by the applicant seeking parole leave on the ground of medical treatment in a private hospital.

2. Heard the learned advocates for the respective parties and perused the papers available on record.

3. Considering the jail remarks, it appears that earlier when the applicant was released on furlough leave, he has been absconding for 3281 days, thereafter arrested by the Police. Moreover, the jail remarks states that the conduct of the applicant in the jail is not good and application does not state that he is taken care in the Jail Hospital and the present application is filed to enable the applicant to take treatment at the private hospital. Learned APP states that the treatment of the illness of the applicant can be taken care of by medical facility of Rajkot Central Jail, Rajkot.

4. Considering the gravity of the offences and the fact that the accused is receiving proper medical treatment, and no shortfall is being found in the medical treatment offered by the Jail Authority. The accused has a right to get treatment under Article 21 of the Constitution, but such treatment cannot be claimed at a facility of his own choice as a matter of course. This Court, in the case of ***Amrutbhai Bholidasbhai Patel Vs. State of Gujarat, reported in 2001(1) GLH 328*** held, that when an under trial prisoner is charged for serious offence, parole leave for getting private treatment is not considered as of right. Para 25 thereof reads as under:-

> *"It should not be lost sight that the petitioner is an under-trial prisoner and his liberty and privilege is temporarily curtailed. He cannot have the right to select a particular doctor or particular hospital from whom or from where he should get treatment. In other words, he does not have as much liberty as a free citizen enjoys to canvass the case that he should be treated by a particular doctor of his choice outside Ahmedabad and more particularly treatment which he requires is available in the City of Ahmedabad itself. Therefore, he cannot be released either on regular or temporary bail for getting treatment outside Ahmedabad on the ground of ailment."*

5. In view of the fact that adequate medical treatment is already being provided to the applicant at the Jail Hospital, this Court is not inclined to exercise discretion in favour of the applicant.

6. However, the Jail Authority is directed to ensure that proper and continued medical treatment is provided to the accused at Jail Hospital, Rajkot Central Jail, Rajkot, as and when required.

7. In view of the above, no case is made out. The application is **rejected** accordingly.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 15/10/2026 15:55:10