2026:BHC-AUG:49392

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3341 OF 2026
IN CRIMINAL APPEAL NO. 225 OF 2026

Rahul Suresh Gaikwad,
Age 35 years, Occupation Labourer,
All r/o Siddharth Nagar,
Chitod Road, Dhule. … Applicant

Versus

The State of Maharashtra
Through Dhule City Police Station,
Dhule, District Dhule. … Respondent

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Mr. Amit S. Savale, Advocate for the Applicant.
Mr. V. S. Badakh, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.
Reserved on : 15.10.2026
Pronounced on : 16.10.2026

ORDER :

1. This is an application for release of convict on temporary bail on medical grounds.

2. Learned counsel for the applicant would submit that, applicant has been convicted by learned Sessions Judge, Dhule in Sessions Case No. 66 of 2017 by judgment and order dated 23.03.2026 i.e. for offences under Sections 307, 324, 323, 452, 504, 506 r/w 149, 143, 147, 148 of IPC, Section 4 r/w 25(1-B)(b) of the Arms Act as well as Section 37(1)(3) r/w 135(i)(iii) of the Maharashtra Police Act.

3. It is pointed out that, applicant is behind bars as a result of above conviction. However, applicant is a patient of Budd Chiari Syndrome and he was also advised to undergo IVC plasty as well as DIPPS. That, applicant was operated, however, post operation there was no improvement and is required to be properly treated. There is no improvement in his health. There are consistent complaints. Moreover, he has developed liver cirrhosis which is on a irreversible stage and therefore he needs proper treatment in better hospital. That, applicant is merely regularly taken to J.J. Hospital and treated on OPD basis but there is no improvement in his health and he is suffering from serious ailment, and therefore learned counsel prays for interim suspension of sentence and grant of bail for a temporary period to enable the applicant to get admitted and treated at Dhule at a hospital of his choice.

4. Learned APP opposed on the ground that there is proper care at jail as well as the prisoner is taken periodically to J.J. Hospital which, according to learned APP, is a reputed hospital having adequate facility to deal with any ailment. He placed on record communication received from jail authority dated 12.10.2026.

5. It appears that, applicant, a prisoner, who is convicted for above offence, is lodged in Byculla District Prison. Papers issued by J.J. Hospita, which are tendered across the bar by learned APP, show that patient is diagnosed of chronic Budd Chiari Syndrome with Cirrhosis.

6. To a query as to what post-operative care is advised, it is conveyed that post operative case as advised, along with monitoring of liver function, coagulation study, serum ammonia and USG abdomen with follow-up with GI medicine and Interventional radiology OPD. Regarding current health status, it is informed that currently there are complaints of sleep disturbance and nausea, but on examination, patient is conscious and oriented to time, place and person and following commands. That, serum ammonia levels are recommended for further assessment. As regards to query of what treatment plan is advised, it is conveyed to follow-up in Medicine OPD/gastroenterology OPD for evaluation of liver function and further management. To a query whether patient is responding to the treatment, it is conveyed that patient is showing gradual improvement in clinical status with reduction in ascites compared to pre-operative status and further assessment with serum ammonia is recommended. To a specific query as to whether patient’s condition is

serious or critical, it is answered as, “NO. The patient is ambulatory and not in a serious or critical condition at present”.

7. Thus, from above communication from HOD of Radiology, J.J. Hospital, currently there are mere complaints of disturbance in sleep and nausea. It is also reported that there is gradual improvement in the clinical status as compared to pre-operative status. In clear terms it is conveyed that condition is not serious or critical. Resultantly, no emergent case is made out. Moreover, applicant is taken care of by reputed Government Hospital like J.J. Hospital wherein there are experts and best medical facilities to deal with any medical condition. For above reasons, no case for interim suspension and grant of temporary bail is made out. However, if medical condition of the patient is not improved in coming three months, applicant shall be at liberty to renew his request. Hence, following order is passed :

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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