

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1958 OF 2021

Maaysha Singh D/o. Sudha Bharadwaj ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

.....

Dr. Yug Mohit Chaudhary alongwith Payoshi Roy for the Petitioner.

Mr. Anil Singh, ASG for the Union of India.

Mr. J.P. Yagnik, APP for the State.

.....

CORAM : S.J. KATHAWALLA AND

SURENDRA P. TAVADE, JJ.

DATED : MAY 21, 2021.

(Vacation Court through video-conferencing)

P.C. :-

1. The above Petition is filed by the Petitioner through her daughter seeking the following reliefs :

“(i) Enlarge the prisoner, Mrs. Sudha Bharadwaj on bail either on her Personal Bond, or a low cash or surety bail for the initial period of six months or till such time as the spread of Covid has been contained in Mumbai.

(ii) Pending hearing and adjudication of this Petition, Mrs. Bharadwaj may be released on interim bail.

(iii) For such further and other orders and reliefs as the nature and circumstances of the case may require.”

2. The Learned Advocate appearing for the Petitioner informs the Court that since the Petitioner has after filing of the above Writ Petition, received medical

Kanchan P Dhuri

treatment, the Petitioner is not pressing the prayer seeking bail on medical grounds. However, he states that the prison Authorities are not giving the Petitioner her medical records and she is also not allowed to make a phone call to the approved family member/s after consultation with the medical officer or after any visit to the hospital.

3. In our view prisoners have a right to obtain their medical records from the prison Authorities under Article 21 of the Constitution of India. In view thereof, all the medical records including medicines prescribed and the test reports shall be provided to the Petitioner on request. In fact, we would go a step further and say that this direction should be followed by the prison Authorities qua all the prisoners. We also agree that the Petitioner should be allowed to make a phone call in the presence of a jail official to the approved family member/s after any of her visits to the hospital. The above Writ Petition is accordingly disposed off.

(SURENDRA P. TAVADE, J.)

(S.J. KATHAWALLA, J.)

Kanchan P Dhuri