

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.444 OF 2021**

Father Stan Swamy ... Appellant
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Mihir Desai, Senior Advocate with Mr. Vijay Hiremath, Ms. Kritika Agarwal i/by
Mr. Mihir Joshi, for Appellant.

Mr. Anil Singh, Addl. Solicitor General WITH Mr. Sandesh D. Patil, Mr. Chintan Y.
Shah, Mr. P.S.Gole, for NIA.

Mr. Jayesh P. Yagnik, APP, present.

**CORAM: S.J. KATHAWALLA &
SURENDRA P. TAVADE, JJ.
(VACATION COURT THROUGH VIDEO
CONFERENCING)**

DATE: 19th MAY, 2021

P.C.:

1. By the above Appeal, the Appellant seeks medical bail on the ground that he is 84 years old and is suffering from “Parkinson’s disease and is experiencing tremors which are gradually worsening and also stiffness. Apart from Parkinson’s disease, the Appellant also has hearing loss in both ears, he has undergone two hernia operations and still suffering from abdomen pain, he suffers intense pain from lumbar spondylosis i.e. tear and wear of the lumbar disc”.

2. The Taloja Central Prison has submitted a report dated 10th May, 2021 to this Court wherein it is interalia stated that the general condition of the Appellant is “hemodynamically stable”, which the learned APP after taking instructions has

explained, means the Appellant has a stable pumping heart and good circulation of blood. The report also states that the Appellant is provided high protein diet on daily basis; hot water for bathing daily; he has been provided two attendants (Prisoners) at their own willingness for his health and necessary care to avoid fall; he is also provided with mattress, bed sheet, pillow, wheel chair, walker, waking stick, straws, sipper mug, sipper bottle, commode chair and battery cells for his hearing aid; the Appellant is also examined and treated by visiting psychiatrist at regular intervals. In the said report, nothing is mentioned about the complaint of the Appellant qua the abdominal pain and intense pain from lumbar spondylosis i.e. tear and wear of the lumbar disc. Instead the report states that he has not complained about anything and has expressed satisfaction with all facilities provided to him by the Talaja Central Prison Administration.

3. The learned Advocate for the Appellant disputes the correctness of the said report.

4. In view thereof, the Jail Superintendent, Talaja Central Prison, Navi Mumbai, shall on 20th May, 2021 at 12.00 noon, arrange to take the Appellant to the J.J.Hospital, Mumbai for his medical check-up. The Dean of the J.J.Hospital shall form a Committee of Doctors including Neuro-physician, ENT, Orthoped Surgeon, General Surgeon and any other Doctors required to examine the Appellant in regard to his complaints. The report of the Committee shall be placed before this Court on 21st

May, 2021 at 11.00 a.m.

5. In the event of the Taloja Central Prison having a video conferencing facility, they shall produce the Appellant through video conferencing before this Court on 21st

May, 2021 at 11.00 a.m.

6. Stand over to 21st May, 2021 at 11.00 a.m.

7. All concerned to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.

(SURENDRA P. TAVADE, J.)

(S.J.KATHAWALLA, J.)