

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 20184 of 2022

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RAJU ROOPCHAND KRISHNANI @ RAJU GENDI THRO BHARTIBEN
RAJUBHAI KRISHNANI
Versus
STATE OF GUJARAT

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Appearance:

MR NISHITH P THAKKAR(2836) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MS VRUNDA C SHAH, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 27/10/2022
ORAL ORDER

1. The present application is filed by the applicant, through his wife, seeking temporary bail for a period of 60 days, on the ground of the applicant's own medical treatment for recovery of his health.
2. Learned Additional Public Prosecutor has produced before this Court a Certificate dated 26.10.2022 from the Medical Officer, Ahmedabad Central Jail, Ahmedabad with regard to the medical health of the applicant which states that the applicant is in continuous follow-up and in routine OPD by the Medical Officer and Physician at the Jail Dispensary.

3. To the above, on perusal of the Certificate, learned Advocate for the applicant submits that the treatment appears to have been given only till 06.08.2022.
4. Against the above, learned Additional Public Prosecutor submits that the MRI of Brain was done on 18.08.2022 which suggests of a normal Report. The CT Angiography of both lower limbs was done on 06.08.2022 and after that, there has been continuous follow up and the applicant is being given treatment accordingly.
5. In the case of **Amrutbhai Bholidas Patel v. State of Gujarat** reported in **2001 (1) GLH 328**, this Court has observed that where the applicant is an under-trial prisoner and his liberty and privilege has been 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 the City and more particularly, when the treatment which he requires is available in the City itself.

6. In the present case, the treatment for which the applicant is seeking temporary bail could be provided by the concerned jail authority as the jail authority has its own panel of Medical Officers and is equipped with good facilities. Considering the facts of the case in light of the judgment rendered in **Amrutbhai Bholidas Patel's** case (supra), this Court finds no reason to entertain this application. Hence, the application is rejected, with a direction to the jail authority to make available all the medical treatment through Government Civil Hospital to the applicant. Direct Service is permitted.

Sd/-
(GITA GOPI, J)

CAROLINE