

Gujarat High Court

Praful vs State on 31 May, 2011

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Gujarat High Court Case Information System

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R/CR.MA/7319/2011

ORDER

IN

THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL  
MISC.APPLICATION No 7319 of 2011

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PRAFUL

@ BHIKHA KESHUBHAI PANSURIYA....Applicant(s)

Versus

STATE

OF GUJARAT . . . Respondent (s)

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Appearance:

MR

HRIDAY BUCH as ADVOCATE for the Applicant(s) No. 1

PUBLIC

PROSECUTOR for the RESPONDENT(s) No. 1

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CORAM:

HONOURABLE

MS.JUSTICE B.M.TRIVEDI

Date  
: 31/05/2011

ORAL  
ORDER

1. Rule.

Mr JK Shah learned APP waives service of rule on behalf of the State.

2. The petitioner has preferred the present application seeking his release on temporary bail for a period of 4 weeks for taking treatment in the private hospital. It has been submitted by Mr Param Buch for Mr. Hriday Buch learned advocate for the petitioner that the petitioner is suffering from tuberculosis since 2009 and is being given treatment at the Civil Hospital Junagadh and then Civil Hospital, Rajkot, but his condition having not been improved, he is required to take treatment in the private hospital, for which, the present application has been preferred.

3. Having regard to the submissions made by the learned advocate for the petitioner and the medical papers annexed to the application, it appears that the petitioner is suffering from tuberculosis and is being treated for the same in the Civil Hospital at Junagadh as well as Rajkot. It also appears that the petitioner is an under trial prisoner facing the trial of the offence under sec. 302, 397, 342, 201, 114 and 120-B of IPC and the trial is pending before the Sessions Court, Junagadh. It further appears that the petitioner had also made an application to the said Sessions court seeking his

release on temporary bail for the same reason, which has been rejected by the learned Addl. Sessions Judge, Junagadh vide order dated 18.5.2011. It has been observed in the said order that the petitioner is being given appropriate treatment for the tuberculosis in the Civil Hospital which has separate ward of tuberculosis and is given best of the treatment. It has also been observed that the tuberculosis requires prolonged treatment and it could not be cured in three weeks even if the petitioner is permitted to take treatment in the private hospital. The petitioner has also not stated as to in which hospital he wants to take treatment. Even otherwise, there being no substance in the present application, the same deserves to be dismissed and is accordingly dismissed. Rule is discharged.

(BELA TRIVEDI, J.) mandora/ Page 2 of 2   Top