

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
LD VC BAIL APPLICATION NO.47 OF 2020

Ali Akbar Shroff .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. A.H.H. Ponda, Sr. Advocate for the applicant.
Mr. Yusuf Iqbal i/b Zain Shroff for the intervenor.
Mr. Deepak Thakare, P.P with Mr.S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 8th MAY 2020.

P.C:-

1 By this application, the applicant who is aged 43 years is seeking his release on temporary bail. The reason cited is that in light of the precarious situation on account of spread of Covid-19, the jails have become more vulnerable and as per Mr.Ponda, 103 inmates and staff members have been tested positive.

2 It is the submission of Shri Ponda that the applicant is a chronic patient of diabetes, hyper-tension and High Blood Pressure and he also has sinus problem and he require constant medical treatment and supervision. This medical condition, according to him, may prove fatal as person suffering from hypertension and diabetes

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in terms of the study and research carried out, are to be considered more susceptible to the Corona Virus. He seeks release on temporary bail.

3 Perused the application and the reasons cited therein. The applicant is not arguing the matter on merits but is seeking bail on medical grounds and in view of the prevailing current situation, he is apprehensive that he may be exposed to the virus.

4 The situation no doubt is precarious and Mr.Ponda may be justified in making a statement that more than 100 inmates and staff of Arthur Road Jail have tested positive. In any contingency, it is for the State Government and the policy makers to take a decision in light of the latest development. If it is true that more than 100 patients have been tested positive in Arthur Road jail, it is for the Authorities to arrange for their affairs and to ensure that the inmates who are presently housed in the Jail are not infected by the virus on account of over-crowding in jails and need not be reminded of the Right of Inmates of a safety and healthy environment as even while incarceration they equally enjoy right to life as those in outside world. being affected by the patients who have been tested positive.

4 There is always a hope and expectation that the jail authorities are sensitive to the aforesaid situation and would take appropriate steps. There are inmates and inmates in the prison who are more than 60 years of age and presently languishing in jail and more prone to the virus as compared to the present applicant who has not placed on record any particular papers depicting the aggravation of diabetes and hypertension except that that he suffers from diabetes and hypertension.

5 In such circumstances, it is open for the State Government and Jail authorities to take appropriate policy decision to tackle the situation to keep all the inmates safe and ensure that they shall the spread of virus in the jail. Since no imminent health impediment is reflected in case of the present applicant, application is rejected.

SMT. BHARATI DANGRE, J