

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION (CRIMINAL) DIARY NO.33350 OF 2022

CHANDER PRAKASH WADHWA

Petitioner(s)

VERSUS

STATE (NCT OF DELHI) & ANR.

Respondent(s)

O R D E R

The petitioner is arrested in two cases. The first was lodged by the Economic Offences Wing, Delhi and, the second has been lodged by the Directorate of Enforcement for the offences punishable under the provisions of the Prevention of Money Laundering Act, 2002.

In the first case, because of his medical condition, the petitioner was granted the facility of interim bail for a while. During the period of said interim bail, the petitioner was arrested in connection with the second case by the Directorate of Enforcement and has since then been in custody.

The application for bail was moved in connection with the second case and as the Order dated 27.05.2022 annexed as Annexure P-16 shows, the prayer for bail was rejected by the Trial Court.

We have been apprised that no further challenge in that behalf has been raised by the petitioner.

At an earlier point in time, this Court had the occasion to consider the prayer for relief of interim bail on medical condition and the matter was dealt with by this Court vide order dated 30.03.2022. In that matter, the Report from the Medical Board consisting of at least four medical professionals from King George's Medical University, Lucknow, was called for by this Court and after examining the Report, it was found that the medical condition of the petitioner was quite stable. In light of said Report, the request for interim bail was rejected by this Court.

Relying on certain certificates including one given by the Senior Medical Officer, Central Jail No.11, Mandoli, New Delhi, prayer for bail on medical condition is now made. Paragraphs 5 and 6 of said Report state as under:

"5. The medical records related to heart of the inmate reflected about 80 percent blockage in one left artery and 90 percentage blockage in another artery along with 50 percent blockage in third artery. He has history of high BP and high Cholesterol for which he is taking medication since long time. Cardiology department of King George Medical College advise for angiography (cardiac intervention) on 18.09.2021 but not be done. He has problem of difficulty in breathing and chest pain while walking so he was sent to RML Hospital and examined by cardiologist and advised routine blood investigations, ECHO and angiography. His blood investigations has been done but report is awaited. They also advised medication that provided to him from jail dispensary. He has also family history of heart disease so proper treatment and investigation require in time to prevent any heart attack. At present his problem is not improving.

6. The medical report of inmate says that he is also suffering from trigeminal neuralgia. Neurologist of Ganga Ram Hospital treated to him and later on King George Medical College and advised to avoid heat and directed air flow over face. His MRI report showed a small vascular loop present in relation to cisterna segment of fifth cranial nerve. On dated 03.10.2022, he was sent to RML Hospital in neurology department. Neurologist examined to him and advised to medications (Carbamazepine and Pregalin-NT) in increased dose as compared to previous dose. But pain in over face is still persisted. That also advised to cure dental issue, which are triggering it and take precautions from exposures of direct air/cold/heat. He needs to walk with same precautionary due to frequent neurological pain attack."

Since the Report, as stated above, was given well after the disposal of the bail application by the Trial Court in the matter concerning offences under the provisions of the Prevention of Money Laundering Act, 2002, we direct as under:

- a. The petitioner is entitled either to file fresh application for bail on the projected medical ground before the Trial Court or may raise the challenge to the Order dated 27.05.2022 on the grounds of merits as well as the projected medical condition of the petitioner.
- b. The matter so filed shall be considered purely on its own merits and if necessary, the concerned Court may have the benefit of examination of the petitioner by a Medical Board consisting of four medical professionals as was done by this Court on the earlier occasion.

With these observations, the instant writ petition is disposed of.

.....CJI.
(Uday Umesh Lalit)

.....J.
(Bela M. Trivedi)

New Delhi,
October 22, 2022