

ITEM NO.25                      Court 8 (Video Conferencing)                      SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 5865/2021

(Arising out of impugned final judgment and order dated 28-06-2021 in MCRC No. 31605/2021 passed by the High Court Of M.P. at Gwalior)

RAHUL RAJAWAT

Petitioner(s)

VERSUS

STATE OF M.P. THROUGH SHO

Respondent(s)

(FOR ADMISSION and I.R. and IA No.96172/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.96175/2021-EXEMPTION FROM FILING O.T. )

Date : 01-10-2021 This petition was called on for hearing today.

CORAM :    HON'BLE MS. JUSTICE INDIRA BANERJEE  
              HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s)    Mr. Sanjeev Singhal, Adv.  
                                  Mr. Nishesh Sharma, AOR

For Respondent(s)    Ms. Ankita Chaudhary, Dy.AG  
                                  Mr. Gopal Jha, AOR  
                                  Mr. Shreyash Bhardwaj, Adv.  
                                  Mr. Nishant Verma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

This special leave petition arises from the impugned order dated 28.06.2021 passed by the High Court of Madhya Pradesh, Gwalior Bench, dismissing the bail application being M.Cr.C. No. 31605 of 2021 filed by the petitioner.

It is submitted that the petitioner's father is ailing with kidney failure and requires a kidney transplant. The petitioner wishes to donate his kidney for his father.

The learned counsel appearing on behalf of the Respondent-State opposes the prayer for bail on various grounds including the seriousness of the offences; pendency of multiple cases as also the fact that the petitioner has other brothers and sisters, who can take care of their father.

To take care of the parents is one thing and to donate a kidney for a parent, to which all children, particularly married children with their own spouses and children might not agree, is another thing.

The petitioner has relied upon a certificate of Dr. Sonu Singh Patil, Consultant Nephrologist of a Multispeciality Hospital, namely, Shitla Sahai Institute of Medical Sciences (SSIMS), Cancer Hill, Mandre Ki Mata, Gwalior, Madhya Pradesh, extracted herein below :-

*"1- Mr Ravindra Singh patient, His both kidney not working. He is having end stage Renal Transplant disease (GFR < ML PER MIN.)*

*2- He requires weekly twice/theories Hemodialysis for life time or till. He underwent Renal transplant.*

*3- He requires Renal transplant surgery for better survival and quality of life.*

*4- He will plan for Renal Transplant surgery when he and his donor physically, medically and mentally fit for surgery."*

There is another certificate, which is also extracted herein-below :-

*"For kidney transplant first there is evolution of recipient and donor. They both should be physically, medically and mentally fit for Transplant surgery both recipient and donor blood group should be match and they should be blood related once there fitness done, file to be submitted in government medical college for committee approval once they got committee approval for kidney transplant procedure can be done kidney transplant is plan*

*and effective surgery for better life survival and quality of life."*

The medical records reveal that the petitioner's father Mr. Ravindra Singh, requires Renal Transplant Surgery for better survival and quality of life.

Since, the petitioner wishes to donate his kidney for his father, he may be escorted and taken to the hospital as and when required, for the necessary tests, reports of which are to be submitted to the Government Medical College for approval of the Committee.

In the event, the petitioner is found fit, physically and mentally to donate a kidney and if the Committee of the Government Medical College grants approval for the kidney transplant procedure, in that case the petitioner may apply before the High Court for interim bail. Needless to mention, the prayer for interim bail for purpose of donation of a kidney for his father, shall be considered sympathetically, on such stringent terms and conditions as may be imposed by the High Court or the concerned Trial Court.

The Trial Court is directed to expedite the trial and dispose of the same as expeditiously as possible, preferably within six months from date.

The special leave petition is, accordingly, disposed of.

Pending application(s), if any, filed in the matter, stand disposed of accordingly.

(MANISH ISSRANI)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)