

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 444 OF 2021

Father Stan Swamy ...Appellant / Accused No. 16

Versus

State of Maharashtra & Another ... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPELLANT

I, Father Stan Swamy, the Appellant above named, 84 years of age, permanently residing at Bagaicha, ATC Campus, Nankum, Ranchi – 835210 but currently lodged at Taloja Central Prison do hereby solemnly affirm and say as follows:

1. I say that the captioned matter was listed before this Hon'ble Court on May 19, 2021 at which time this Hon'ble Court was extremely kind and pleased to *inter alia* direct that the Taloja Central Prison produce me before the Hon'ble Court at 11.00 am on May 21, 2021 via videoconferencing. Earlier to this the Taloja Hospital had been directed to produce a medical examination report of mine which was produced before the Court on 19th May, 2021 but till date the same has not been given to me. In any event, paragraph 5 of the said Order dated May 19, 2021 reads as follows:

"5. In the event of the Taloja Central Prison having a video conferencing facility, they shall produce the Appellant through video conferencing before this Court on 21st May, 2021 at 11.00 a.m."

Hereto annexed and marked as Exhibit "A" is a copy of the said Order dated May 19, 2021 passed by this Hon'ble Court in the captioned Appeal. By the said order I was also asked to be examined by a group of JJ Hospital doctors and accordingly I was taken to the JJ Hospital on 20th May, 2021 and examined.

2. I say that I was accordingly produced by the prison authorities before this Hon'ble Court via videoconferencing on May 21, 2021 at 11.00 am or thereabouts. JJ Hospital report has also not been given to me though the Hon'ble Judges were kind enough to read it out in court.
3. At the outset, I say that because of the severe hearing loss in my ears, I was unable to clearly hear the questions put to me by the Hon'ble Court and the person sitting beside me had to repeat any questions or statements made by the Hon'ble Court and my Advocates to me.
4. I informed the Hon'ble Court that I have been in jail for the last 8 months and that my health and bodily functions have severely deteriorated since I have been lodged in prison. I said that before I was lodged in Taloja Prison, my body was functional; I was able to walk, eat, bathe and write letters by myself none of which I can do now without help. I am now unable to even walk by myself or able to write letters. I can only eat when someone is feeding me.
5. The Hon'ble Court was pleased to ask me if I wished to be shifted to JJ Hospital. I said no to this. The Hon'ble Court was further pleased to ask me if not JJ Hospital, then if I would like to get admitted to any other private hospital. Even my Counsel Senior Advocate Mihir Desai asked me if I would like to get admitted to Holy Family Hospital but I was keen on getting immediate bail and thus I informed the Hon'ble Court that my

only request from the judiciary was to be released on interim bail so that I can be surrounded by 'my own' at this time.

6. It is pertinent to note that it has been recorded in the Order dated May 19, 2021 of this Hon'ble Court that the prison authorities are providing me with a 'high-protein diet'. However, I have informed the Hon'ble Court via videoconferencing on May 21, 2021 that I am unable to eat anything more than one *roti* in any meal that I have in prison. I say that having been unable to eat any more than this one *roti*, I have become overcome with weakness and/or fragility.
7. I say that the Order dated May 21, 2021 passed by this Hon'ble Court in the captioned Appeal also takes note of my hearing loss and physical weakness. Hereto annexed and marked as **Exhibit "B"** is a copy of the said Order dated May 21, 2021 passed by this Hon'ble Court in the captioned matter.
8. I say that subsequently on 24.5.2021 I had major tremors due to which I was taken to JJ Hospital for investigation.
9. Looking at my present situation I have been now convinced and persuaded that it is best for me for the time being to be admitted to the Holy Family Hospital at Bandra for treatment. I however need an attendant at all times. In Mumbai Father Fraser, who is a retired Principal of St. Xaviers College can make arrangements for two attendants to be there in hospital to be with me. Since I am a priest and do not have any family, it would be also necessary for Father Fraser and Father Joe Xavier from Bengaluru to meet me from time to time.
10. Ideally, I feel looking at my deteriorating health I should be granted medical bail or at the very least allowed to return to Ranchi and if required kept under house arrest. However, in the meanwhile, my being

shifted to Holy Family Hospital will do good to my mental and physical health.

Solemnly affirmed at Mumbai)

this 25 day of May, 2021 -)



Appellant

Advocate for the Appellant

Before Me
Shy
Jailor Gr-II
Taloja Central Prison,
Navi Mumabi.

