

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 6649 of 2025**

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PRASHANT S/O PRAKASH HARISHCHANDRA VAZIRANI
Versus
STATE OF GUJARAT

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Appearance:

MR JAL SOLI UNWALA, SR.ADVOCATE with MR BN LIMBACHIA(3454) for
the Applicant(s) No. 1
NISHITH K JOSHI(9193) for the Applicant(s) No. 1
MR ANKIT V DIXIT(10019) for the Respondent(s) No. 1
MR. RAJESHKUMAR S MISHRA(9946) for the Respondent(s) No. 1
MR HARDIK DAVE, PP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 08/05/2025****ORAL ORDER**

1. The applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for enlarging the applicant on Regular Bail in connection with FIR being C.R. No.11191020240478 of 2024 registered with Vastrapur Police Station, District:Ahmedabad City for the offences punishable under Sections 105, 110, 336(2), 336(3), 340(2), 340(1), 318, 61 of the B.N.S.

2. Heard learned senior advocate Mr.Jal Soli Unwala with learned advocate Mr.B.N.Limbachia and learned advocate Mr.Nishith K. Joshi appearing for the applicant, learned advocate Mr.Rajeshkumar S. Mishra and learned advocate Mr.Ankit V. Dixit for appearing for the victims and learned Public Prosecutor Mr.Hardik Dave for the Respondent – State.

3. Learned senior advocate for the applicant submitted that in the present offence, investigation is over and charge-sheet has been filed. The present applicant has been arrested in connection with the present offence on 13.11.2024 and since then the applicant is in custody. The FIR in the present offence has been lodged by one Dr.Prakash Ishwarlal Mehta, who is working as In-charge CDMO cum Civil Surgeon, Civil Hospital, Sola, at Ahmedabad. As stated in the FIR after the death of two patients, a team comprising of Doctors of Civil Hospital, Sola at Ahmedabad were assigned the task of inquiry into the incident and after the inquiry being carried out by the said team, the present FIR has been lodged by him. The first informant himself was also a part of the said team. He submitted that none of the relatives of the victims have come forward to lodge any complaint against the administration of the Khyati Hospital and the present FIR has been lodged at the behest of the State Machinery. He submitted that the medical camp was organized at Borisana village on 10.11.2024 and 89 patients had attended the said camp with their respective health related complaints. Out of them, 19 patients were brought to Khyati Hospital on the next day for further examination and check-up. Out of those 19 patients, 7 patients were advised the procedure of angioplasty. Out of those 7 patients, 2 patients died because of post procedure complications.

3.1 He further submits that it is alleged in the present FIR that the present applicant and the other co-accused had threatened and forced the patients to undergo the procedure of angioplasty. However, the material available on record suggests that out of

the patients who were advised the procedure of angioplasty, several patients had expressed their disinclination for undergoing such procedure and they were allowed to go. Therefore, it is not correct on the part of the prosecution to allege that the patients were kept in captivity and were forced to undergo the procedure of angioplasty. He submitted that there is a mechanism in place for approval of performance of angioplasty. As per the said mechanism, if the blockage of more than 70% is seen in any of the arteries of the heart, then only the approval for angioplasty is permitted under the PMJAY scheme. In the present case, the patients who were examined at the medical camp were made to undergo the examination of cardiogram and those who were suspected of having any heart related issues, were asked to come to Khyati Hospital on the next day. On the next day, those patients were subjected to undergo the procedure of cardiogram and angiography and out of 19 patients, only 7 patients were found to be having blockage of more than 70%. If the hospital or any of the accused persons wanted to perform false procedure upon the patients for want of more money out of PMJAY scheme, all the 19 patients would have been subjected to undergo the angioplasty procedure. Moreover, all the reports of the patients who were subjected to angioplasty were forwarded to the competent authority under the PMJAY scheme for approval and it was only after the reception of approval from the authority under the PMJAY, that the procedure of angioplasty was undertaken. The authority concerned had also found substance in the report submitted to it and thereafter, had granted permission for performance of angioplasty upon them.

3.2 He submitted that out of 7 patients upon whom the procedure of angioplasty was performed, in the case of deceased Maheshbhai Barot did not fall under the PMJAY scheme and in fact, it was decided by the hospital that the necessary cost in the said procedure performed upon him would be borne by the hospital. He further submitted that all the standard protocols post procedure were duly taken care of qua all the patients. He submitted that in the procedure of angioplasty, there is a risk factor involved and there are chances of death of the patients upon whom the procedure of angioplasty is performed and there may be several reasons for the patient having died after the angioplasty procedure. Merely because two patients have died after the angioplasty, the applicant herein cannot be said to have committed any offence.

3.3 He further submitted that the record of the procedure performed at the Khyati Hospital on 11.11.2024 was thoroughly examined by the expert body and the said expert body has also given its opinion that the procedure of angioplasty was properly performed in all the 7 patients. The expert body had also opined that there were blockages in the hearts of the respective patients which necessitated performance of angioplasty. The present applicant is a qualified cardiologist and was registered under the PMJAY scheme. He further submitted that the investigation into the present offence has not been carried out in a free and fair manner. The investigating agency has tried to fill up the lacuna by recording further statements of several witnesses and those witnesses have stated different facts in their subsequent statements than what they had stated in their earlier

statements.

3.4 The present applicant herein has not committed any offence much less an offence punishable under Section 105 of BNSS as alleged in the FIR. The present applicant herein is a qualified Doctor and is in custody since the month of November, 2024. There are no chances of trial of the present offence commencing and concluding in near future. He, therefore, submitted to allow the present application and enlarge the present applicant on bail subject to suitable conditions.

3.5 Learned Senior advocate has sought to rely upon the following judgments in support of his submissions.

(i) In the case of **Jalaluddin Khan Vs. Union of India** being Criminal Appeal No.3173 of 2024.

(ii) In the case of **Manish Sisodia Vs. Directorate of Enforcement** [2024 SCC OnLine SC 1920]

(iii) In the case of **P.Chidambaram Vs. Directorate of Enforcement** [(2020) 13 SCC 791]

(iv) In the case of **Pankajbhai Kantilal Patel Vs. State of Gujarat** being Criminal Revision Application No.805 of 2024 and allied matters.

(v) In the case of **Pratik Jagdishbhai Thakkar Vs. State of Gujarat** being Special Criminal Application No.9248 of 2016.

4. The application is opposed by learned PP for the respondent contending that the present is not the case of simple medical negligence. The decision of this court in the present application as well as the other allied matters is going to have an

impact in the medical field for a long time. In the present case the human lives have been tampered with just to get monetary benefits. The manner in which the present offence is committed has shaken the confidence of the public at large on the medical fraternity. The present offence is a result of a large-scale conspiracy of which the present applicant is also a part. Generally, there would be no direct evidence as regards the aspect of any conspiracy since they are hatched in the darkest corners of the room. The conspiracy can only be sensed through the circumstances surrounding the incident.

4.1 He further submitted that the applicant herein was working as a Cardiologist with the Khyati Hospital and it was the present applicant who had performed the procedure of angiography on all the seven patients in question. The material available on record indicates that the present applicant had persuaded and forced the respective patients to undergo the procedure of angioplasty by making them understand that if such procedure was not performed immediately, there was all likelihood of them suffering from cardiac arrest, which was most likely to result into their deaths. He submitted that the post operational protocols were also not fulfilled as regards any of the patients. The material on record indicates that there was no requirement of angioplasty in cases of some of the patients, whereas in the other patients, though one stent was required to be inserted, two stents were inserted and the bill under the PMJAY scheme was claimed for the same. He further submitted that the records of the case papers of the patients were also manipulated to draw those patients under the umbrella of PMJAY scheme. The present applicant is actively involved in

commission of the present offence. He therefore submitted to dismiss the present application.

5. Learned advocate appearing for the victims has also opposed the present application contending that the present applicant herein had performed the procedure of angioplasty upon the patients who not at all required the same. The 7 patients were made to undergo the procedure of angioplasty only with an intention to grab the monetary benefit under the PMJAY scheme. Because of the wrongful performance of the procedure two patients had unfortunately succumb to untimely death. Thus, there is a strong prima facie case against the present applicant for commission of the offence in question. He therefore submitted to dismiss the present application.

6. This Court has considered the submissions canvassed by learned advocates for the parties and has also perused the material placed on record. The present is a case of classic example of the abuse of the scheme floated by the Government for the welfare of the general public. The PMJAY scheme has been in place to provide quality medical treatment to the public at large at a minimal cost. The expenses for the treatment of the patients under the PMJAY scheme is borne by the Government and the same is reimbursed to the hospital concerned by the Government. It is this scheme which has been allegedly misused in the present case for fulfilling materialistic ambitions of a few.

6.1 In the present case, the hospital in question had organized a medical camp at Borisana village on 10.11.2024, which was attended by 89 persons and those 89 persons were examined by

the Doctors who were present at the camp. Out of them 19 patients were suspected to be suffering from heart related conditions and therefore, they were asked to come to Khyati Hospital on the next day. Accordingly, those 19 persons had appeared at the Khyati Hospital at Ahmedabad where they were again examined and procedures of cardiogram and angiography were performed upon them. Out of those 19 patients, 7 patients were advised to undergo the procedure of angioplasty, as they were found to be having blockages in the arteries to the extent of 80-90%.

6.2 In this regard, the statements of few patients who had undergone the procedure of angioplasty requires consideration. One Bachubhai Govaji Barot in his statement dated 16.11.2024 has stated that he had attended the medical camp on 10.11.2024 only with an intention of body check-up. He was having no complaints with regard to his health. His blood-pressure was checked at the camp and his cardiogram was taken and the Doctor at the camp had informed him that his one artery was blocked. Therefore, he was asked to come to Khyati Hospital on the next day with his MAA Card. He went to Khyati Hospital on 11.11.2024, where different tests were carried out and his thumb impressions were obtained on one form. Thereafter he was taken to the operation theatre and the procedure of angioplasty was performed upon him without informing his relatives. Thereafter, he was taken to U.N.Mehta Institute for Cardiology & Research Centre for check-up where he was informed after his check-up that one stent is inserted in his body. It was only then he came to know about the stent having been inserted in his body.

6.2.1 In his further statement dated 4.1.2025, he mentioned that the procedure of angiography was carried out without his consent. After the angiography Dr. Prashant Vazirani i.e. the present applicant informed him that his arteries were blocked and asked him to undergo the procedure of angioplasty, to which he had denied. Despite the same, the procedure was performed upon him. He was persuaded by saying that he was not required to incur any expense for the same and it would take only 10 minutes for performance of the procedure. He further stated that despite he having denied, Dr. Prashant Vazirani had inserted stent in his body.

6.3 Another witness namely Dineshbhai Sarjubhai Sadhu in his statement dated 16.11.2024 has stated that he was suffering from stomach related issues and for the check-up of the same he had attended the medical camp at the village. Doctor present at the camp had checked his Blood Pressure and had also taken his cardiogram. He was asked whether he possessed MAA Card or not, to which he had replied in the affirmative. Thereafter he was asked to come to Khyati Hospital on the next day. Therefore, he had gone to Khyati Hospital on the next day, where his thumb impressions were obtained on documents and thereafter, he was taken to operation theatre. The procedure of cardiogram and angiography was performed upon him without informing his relatives and thereafter he was informed that since his arteries were blocked, stent was required to be inserted for opening the blockage. He informed the Doctor that he had come for treatment for his stomach related problems. Doctor in turn informed him not to worry and the procedure will last only five

minutes. He thereafter inserted the stent without his consent. After the procedure, he was shifted to general ward, where nobody came for his check-up, nor any medicines were given to him. Thereafter he was taken to U.N.Mehta Institute for Cardiology & Research Centre for check-up where he was informed that stent was inserted in his heart.

6.3.1 In his further statement dated 4.1.2025 he has stated that Doctor Prashant Vazirani had operated him for angioplasty and prior thereto it was informed that he was having serious heart problems and the angiography result shows blockages in two arteries and that if he did not undergo angioplasty on urgent basis, there was likelihood of him suffering a cardiac arrest and he may also die. The witness had informed Dr. Prashant Vazirani that he was not having any problem related to heart. He was only suffering from constipation.

6.4 One witness Kantaben Shambhubhai Prajapati in her statement dated 16.11.2024 had stated that she had attended the camp on 10.11.2024 with a complaint of knee pain and skin related issues. The doctor present at the camp had checked her Blood Pressure and had taken her cardiogram and had informed her that she was having heart related problem. She informed Doctor that she was working as a labourer and had never experienced any pain in her chest, so how she can be suffering from any heart problem. Doctor, however asked her to come to Khyati Hospital on 11.11.2024. She, accordingly, attended the hospital on 11.11.2024, where she was taken to the Operation Theatre and she was informed by the doctor that her one artery was blocked and stent was required to be inserted for removal of

the said blockage, which would only take 20 minutes.

6.4.1 In her further statement dated 4.1.2025, she has stated that Doctor Prashant Vazirani informed her that she was having more problems in her heart and therefore she was required to undergo angiography. Dr. Prashant Vazirani informed her that she was also having respiratory problems and therefore angioplasty was necessary for which she was not required to spend any money. Thereafter Dr. Prashant Vazirani performed angiography upon her and informed her that one artery was blocked and if the angioplasty was not performed immediately, there is a possibility of her death due to sudden cardiac arrest.

6.5 Witness Kokilaben Kanubhai Patel in her statements dated 16.11.2024 and 4.1.2025 stated that she had attended the camp with a complaint of pain in her legs as well as her hands. After the routine check-up, she was informed that her cardiogram report indicated that she was having some respiratory issues and was also having diabetes. She was asked whether she was having MAA Card and since she was having one, she was asked to attend the hospital on 11.11.2024 and accordingly, she had attended the hospital on the next day, where procedure of cardiogram and angiography were performed upon her and she was informed that she was having no health problem. Thereafter, she further states that Dr. Prashant Vazirani and other members of the medical team had heavily insisted upon her to undergo the procedure of angiography. She was informed that would not have to spend any money for that.

6.6 One Popatbhai Ramabhai Raval in his statements dated 16.11.2024 and 4.1.2025 has stated that he had attended the hospital on 11.11.2024, his cardiogram and angiography were done by Dr. Prashant Vazirani and he was informed that his angiography report indicated heart problem and that his arteries were blocked and therefore, angioplasty was required to be performed on immediate basis, failing which there was a risk of heart attack and resultantly, his death. He has stated that there was persuasion by Dr. Prashant Vazirani and other accused persons for angioplasty.

6.7 Witness Dashrathbhai Lalbhai Patel has stated in his statement that he was suffering from muscle pain and therefore had attended the medical camp where, after his examination he was told to come to Khyati Hospital on the next day with his Aadhar Card and other documents. He accordingly attended Khyati Hospital on the next day and his cardiogram and angiography were done by Dr. Prashant Vazirani and he was informed by the said Doctor that his arteries were blocked which needed to be cleaned and therefore, stent was required to be inserted for the same.

7. The statements of these witnesses indicate that some of the witnesses were having no complaints with regard to any heart related ailments and they had attended the camp at Borisana village with the complaints which had nothing to do with heart and those complaints were trivial in nature. However, they were wrongfully advised to undergo cardiogram and angiography. The witnesses have categorically stated that having expressed their desire not to undergo any procedure,

they were heavily persuaded by the present applicant to undergo the procedure of angioplasty or else they were facing the risk of their death.

8. Witness Bharatbhai Nagarbhai Motibhai Senma, who is son of the deceased Nagarbhai Motibhai Senma, in his statement has categorically stated that he had visited Khyati Hospital on 11.11.2024 after his father had died and though his father had already died, he was put on ventilator. He was also informed by the staff of the hospital that his father had three blockages in his arteries and he was facing serious conditions.

8.1 One witness Dr. Minal Abhimanyu Maheshwari in her statement dated 22.11.2024 has stated that she had attended the medical camp at Borisana village as a junior doctor and her duty was to check the history of the patients who attended the camp. She was shown the forms of 19 patients who attended the medical camp, upon seeing those forms, she stated that they were the history of forms of the patients which were filled by them at the Borisana village camp and Dr. Ajaysinh Vaghela had written his opinion thereon. She further stated that those history forms had been altered by the hospital and the opinion of 2DECHO and cardio reference was added subsequently. These facts indicate that the history forms which were filled at the medical camp at village Borisana, were altered and the advice for some tests were added subsequently. The material on record indicates that after the death of two patients, an inquiry was ordered by the Government on the issue and the applicant and the other co-accused and the other office bearers were called by the inquiring authority with the relevant material and it appears

that at that stage these records were manipulated.

9. The material on record indicates that the investigation officer had sought opinion as regards the reports of all the patients and the requirements for performance of any procedure upon them from U.N.Mehta Institute for Cardiology & Research Centre. The report given by U.N.Mehta Institute for Cardiology & Research Centre indicates that the patient Dashrathbhai Patel had undergone stenting with one stent for his lesion, which was not required as per their finding.

9.1 Qua Rameshbhai Pranbhai Patel, it is mentioned that as per the angiography report and diagram, proximal LAD has been shown as having 90% stenosis which is reasonable. The report mentions proximal RCA 80% lesion which as per our opinion is 50% only and does not require stenting. The angiographic report advises stenting to LAD and RCA while as per our opinion, only LAD stenting was required. A single consent form has been used for coronary angiogram and coronary angioplasty. The patient underwent stenting to LAD and RCA (1 stent in LAD and 1 in RCA). This opinion from the expert body indicates that the patient in question required only one stent to be inserted. However, two stents were inserted in his body unnecessarily.

9.2 Qua patient Kantibhai Babaldas Patel it is mentioned that the report mentioned 80% stenosis in RCA which is incorrect. The angiographic advice should have been medical management while the report mentions stenting to RCA, which indicates that as per the expert body, no stenting was required to be inserted in the case of this patient and the condition was required to be

managed medically i.e. with medicines. Despite the same, the procedure of angioplasty was wrongfully advised.

9.3 In the case of patient Kantaben Shambhubhai Prajapati, it is mentioned that angiography report and diagram show 90% stenosis in proximal LAD which is incorrect. She was advised and she underwent stenting to LAD which was incorrect. The patient was directly subjected to stenting for LAD.

9.4 Qua Maheshbhai Girdharbhai Barot, who in the present case had died after the performance of angioplasty, it is mentioned a proper indication for coronary angiogram or coronary angioplasty was not established or mentioned. The consent of relative of the patient was not taken prior to the procedure. The discrepancy was noted in CAG report. The report mentions mid LCX 80% stenosis while in angiography video there is 30-40% disease in OM branch which is considered as non-critical. The report mentioned 90% stenosis in RCA while the review of angiogram reveals 30-40% which is considered as non-critical. The patient underwent stenting to LCX (1 stent) and RCA (1 stent). There is no post procedure ECG attached with the file. No post procedure cardiologist note could be found. This indicates that the complications which were found in the case of deceased Maheshbhai were non-critical and therefore, there was no need of performance of any angioplasty.

9.5 In the case of deceased Nagarbhai Motibhai Senma the report indicates that a proper indication for coronary angiogram or coronary angioplasty was not established or mentioned. The angiography report shows a 90% stenosis in proximal and mid

LAD. But the angiogram video suggests a stenosis of 80% in mid LAD and 50% in proximal LAD. The angiography diagram shows a 90% stenosis in RCA. The angiography report does not explicitly mention the percentage of blockage in the RCA. The angiography video does not show any significant blockage in the RCA. But the advice on the angiography report says PTCA to LAD and staged PTCA to RCA. The patient underwent stenting to LAD (2 stents). The report further indicates that no proper evaluation was done after patient's condition deteriorated. The manipulation of time has been observed on CPR notes.

9.6 With regard to patient Dineshbhai Sarjubhai Sadhu the report indicates that the patient had underwent stenting to RCA with two stents. The lesion could have been covered with a single long stent, instead two short stents were implanted which was inappropriate as per opinion.

10. The material available on record indicates that the reports of angiography were prepared in the handwriting of the present applicant. The material on record also indicates that those reports were also changed after the inquiry authority had called the applicant and the other accused for inquiry. Thus, those reports were incorrect and manipulated.

11. It is sought to be contended that the expert body of PMJAY scheme had granted approval for performance of angioplasty after seeing the report which was uploaded by the hospital. However, the reports which were submitted to the concerned authority themselves appear to be doubtful. The expert body of the U N Mehta Institute has clearly opined in case of some of the

patients that either no procedure of angioplasty was necessary to be performed or only one stent was required to be inserted to the patients who were inserted more than one stent. If the authority who had granted approval for the procedure despite these glaring facts, then their role also requires investigation. The present applicant has played a pivotal role in the present offence as in the first place it was the present applicant who had performed the procedure of angioplasty on the patients in question and as observed herein above, in some cases, though not required. The witnesses i.e. the patients in their respective statements have categorically stated that when they expressed their disinclination to the present applicant, there was heavy persuasion by the present applicant for undergoing the procedure by showing the threat of their death. The involvement of the present applicant in the present offence cannot be ruled out at this stage, since the material available on record indicates a strong prima facie case against the present applicant.

12. It is contended on behalf of the present applicant that there are no ingredients for the offence punishable under Section 105 of the BNS against the present applicant. The material on record makes this court to believe, at this stage, that two unfortunate deaths were not natural and therefore is not possible for this court, at this stage, to record the conclusion that offence punishable under Section 105 of B.N.S. is not made out. Moreover, the manner in which the things things have place reflects the seriousness of the offence. Be that as it may, the fact remains that seven patients were forced to undergo the procedure of angioplasty without their wish and without any need in some cases. The material on record also suggests that no

proper post operational care was taken and some of the patients were transferred to the general ward after the procedure. There was no specialist doctor to look after the patients in case of any emergency. Learned Public Prosecutor is right in contending that this is not the case of simple medical negligence. In fact, it is a systematic attempt to mint more money under the PMJAY scheme from the Government.

13. Considering all these aspects, no case is made out to exercise discretion in favour of the applicant. The present Application is dismissed.

Manshi

(M. R. MENGDEY,J)