

CNR No.DLCT01-018221-2021

SC No.466/2021

FIR No.30/2021

PS Daryaganj

U/s 364-A/377/419/347/120-B IPC & 25/27 Arms Act

State Vs. Swapnil & Ors.

22/02/2022

File taken up today on the application u/s. 439 Cr.P.C. of the accused Swapnil for extension of interim bail for the period of three months.

(Proceeding of the matter has been conducted through video conferencing in terms of circular No.4648-4858/DJ/(HQ)/ Covid lockdown/ Physical Courts Roster/ 2022 dated 11/02/2022 of the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.)

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

IO/ Inspector Raj Kumar is present (through V.C.).

Sh. Chetan Pangasa, Ld. Counsel for the accused Swapnil (through V.C.).

Reply to the aforesaid application has been filed by the IO.

By way of present order, this Court shall disposed of present application of the accused Swapnil for extension of interim bail for the period of three months.

Arguments heard on the aforesaid application of the accused Swapnil for extension of interim bail for the period of three months. Perused the material available on record.

During the course of arguments, it was submitted by counsel for the accused that the accused has been falsely implicated in the present case. It was further submitted that the present application for extension of interim bail has been filed on the medical grounds of the accused Swapnil. It was further submitted that in the present case, interim bail was granted to the accused Swapnil vide order dated 22/01/2022 passed by this Court for the period of one month on medical grounds. It was further submitted that at present, the accused is suffering from Prolapsed Inter-Vertebral Div with Syrinx at D7, Lumbar Spondylosis with Radiculopathy (loss of sensations) with Urinary Incontinence (loss of

sensation to hold urine and passing urine and stool in diapers), Disc Protrusion at L5-S1 Level in the Lower Limb with right ear infection with discharge and having severe low backache with numbness in the Lower Limb and Haematuria (blood in urine). It was further submitted that medical condition of the accused is still critical and under treatment and he is bed-ridden and unable to sit, stand and walk without support and if the accused is not provided with adequate care and nursing, it may lead to permanent paralysis/ disability of the right lower limb in future. It was further submitted that on the advice of doctor, MRI of the accused was done. It was further submitted that on the basis of the medical reports of the accused, the doctor has advised the accused for intensive physiotherapy for 3-6 months, nursing care for daily assistance and a wheel chair for ambulation. It was further submitted that the accused is receiving the intensive physiotherapy twice every day. It was further submitted that facility of intensive physiotherapy on regular basis is not available in the jail as informed by the concerned Jail Doctor on 21/01/2022. It was further submitted that period of interim bail of the accused Swapnil is going to be expired on 25/02/2022. It was further submitted that during the aforesaid interim bail period, the accused has complied all the terms and conditions as mentioned in the interim bail order dated 22/01/2022 and he has not misused the liberty granted to the accused by way of interim bail. It was further submitted that in view of the medical condition of the accused, interim bail of the accused Swapnil be extended for the further period of three months for his proper medical treatment. It was further submitted that the accused shall abide by all terms and conditions, if the interim bail of the accused is extended and accused shall not seek further extension of interim bail on any ground and accused shall surrender after the extended interim bail period.

During the course of arguments on the aforesaid application for extension of interim bail, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present application of the accused Swapnil be dismissed.

During the course of arguments, it was submitted by the IO that the accused has complied all the terms and conditions as imposed vide interim bail order dated 22/01/2022 passed by this Court. It was further submitted that the medical documents of the

accused Swapnil have been verified and report/ opinion of Dr. Yogesh Kataria is attached with the reply of the present application.

It is mentioned in the report of Dr. Yogesh Kataria that “*recovery in this illness is unpredictable, may take long time. Patient is currently paraparetic (weakness of both lower limbs) Power in right lower limb is 0/5 and left lower limb is 2/5. He has bowel/ bladder involvement also. He will require physiotherapy for atleast 3 months and then he will be reviewed. Physiotherapy is must. Patient has traumatic D7 Syrinx with cord oedema.*”

Medical condition of the accused Swapnil is not disputed. On 21/01/2022, it was submitted by Dr. Charan Singh, Medical Officer In-charge, CJ-1, Tihar, New Delhi that in view of the medical condition of the accused Swapnil and medical advise of concerned treating doctors, the accused Swapnil requires intensive physiotherapy twice or thrice in a day on regular basis and regular physiotherapy is not available in the Jail No.1, Tihar, New Delhi.

In the present case, interim bail was granted to the accused Swapnil vide order dated 22/01/2022 passed by this Court for the period of one month on medical grounds.

As informed by the IO, the accused Swapnil has complied all the terms and conditions as imposed vide interim bail order dated 22/01/2022 passed by this Court.

Considering the facts, circumstances, submissions made, reports of IO/ Inspector Raj Kumar and Dr. Yogesh Kataria and without going into the merits of the present case, the present application of the accused Swapnil for extension of interim bail is allowed for the further period of one month subject to the same terms and conditions as imposed vide aforesaid interim bail order of the accused Swapnil passed by this Court on 22/01/2022 and also subject to the condition that the accused shall not seek further extension of interim bail on any ground. Accused shall surrender before the concerned Jail Superintendent after the expiry of extended interim bail period.

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A copy of this order be sent to the concerned Jail Superintendent through E-mail for information and necessary action. Copy of order be also sent to SHO/IO for compliance. Copy of this order be also given dasti to counsel for the accused, if prayed for.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
22/02/2022(G)