

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.

15/10/2022

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.

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

Inspector Ichha Ram is present.

Sh. Mudit Bir Kohli, Ld. Counsel for the accused Swapnil.

Dr. Swapan Gupta, Assistant Professor, Neurology Department, G. B. Pant Hospital, New Delhi is present (through V.C.).

Further reply to the aforesaid application has been filed by Inspector Ichha Ram.

It is submitted by Dr. Swapan Gupta that he will file the appropriate report through e-mail or whatsapp after lunch.

Matter be put up today after lunch.

Matter is taken up again today at 3:00 PM.

Report of Dr. Swapan Gupta is received to the e-mail of this Court.

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 05/08/2022 for the period of one month and

interim of the accused was further extended vide order dated 05/09/2022 for the further period of one month and thereafter, interim bail of the accused was extended on 01/10/2022, 06/10/2022 and 13/10/2022. It was further submitted that after the confinement of the accused in the jail, the accused Swapnil had severe pain and back problem and the medical condition of the accused started deteriorating day by day. It was further submitted that seeing the medical condition of the accused, the Ld. Sessions Court had granted interim bail to the accused Swapnil for the period of one month vide order dated 13/08/2021. It was further submitted that after the release on interim bail, the accused undergone various tests as advised by the experts and accused was also got admitted in the hospital. It was further submitted that on initial examination, the accused was found to be suffering from paraparesis with power of 4/5 in both lower limb, urinary incontinence present and sensory loss present in both lower limbs and also suffering from syrinx at the mid dorsal and dorsal cord is atrophic. It was further submitted that at present, the accused is suffering from PIVD with syrinx at D-7, Lumbar Spondylosis with Radiculopathy (loss of sensations) with Urinary Inconsistence (loss the sensation to hold urine and passing urine & 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, Haematuria (blood in urine) and unable to sit, stand walk without support. It was further submitted that the doctors have prescribed intensive physiotherapy and occupational therapy to the accused. It was further submitted that at present, the medical condition of the accused is serious and accused became immobile and paralyzed and he is on wheel chair. It was further submitted that accused is now suffering from PVID in right lower limb and his left lower limb is also weakened. It was further submitted that medical condition of the accused is critical and the accused requires proper medical assistance and intensive physiotherapy and occupational therapy. It was further submitted that earlier, the interim bail was granted to the accused and he never misused the same and after expiry of interim bail period, he timely surrendered in the jail. It was further submitted that period of interim bail of the accused Swapnil is going to be expired today. 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 05/08/2022, 05/09/2022 and subsequent orders 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 proper medical treatment, medication, care, proper medical assistance and intensive physiotherapy and occupational therapy. 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 Inspector Ichha Ram that the accused has complied all the terms and conditions as imposed vide interim bail order dated 05/08/2022, 05/09/2022 and subsequent orders passed by this Court. It was further submitted that the medical documents of the accused Swapnil have been verified.

It is mentioned in the report of Dr. Swapan Gupta received today to the e-mail of this Court that “ *Patient Swapnil is diagnosed as paraplegia probably functional. It implies that the weakness in his both legs is probably non-organic or psychogenic in nature. At present he is given calcium supplements and physiotherapy. The future course of treatment shall include further tests (SSEP both upper and lower limbs) and psychiatry/psychology consult.*”

Medical condition of the accused Swapnil is not disputed.

In the present case, interim bail was granted to the accused Swapnil vide order dated 05/08/2022 passed by this Court for the period of one month on medical grounds and interim of bail of the accused was extended for further period of one month vide order dated 05/09/2022 and thereafter, interim bail of the accused was extended on 01/10/2022, 06/10/2022 and 13/10/2022.

As informed by Inspector Ichha Ram, the accused Swapnil has complied all the terms and conditions as imposed vide interim bail orders dated 05/08/2022, 05/09/2022 and the aforesaid subsequent orders passed by this Court.

Considering the facts, circumstances, submissions made, reports of Inspector Ichha Ram and concerned doctors 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 05/08/2022 and 05/09/2022 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.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary action. Copy of order be also sent to the concerned SHO/IO for compliance. Copy of this order be also sent to the accused through concerned Jail Superintendent. Copy of this order be 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
15/10/2022(A)