

SC 18/2023
STATE Vs. SACHIN ETC (4)
FIR No. 927 /2022
PS Jahangir Puri
U/s. 302/341/109/120B /201/506/34 IPC
& U/s. 25/27 Arms Act.

13.05.2024

File taken up today on an application U/s. 439 Cr. P. C for grant of interim bail moved on behalf of applicant/accused **Sankar @ Reeshee @ Shankar @ Reesee.**

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Sh. J. K. Kalson, Ld. Deputy Chief Legal Aid Counsel for applicant/accused.

Medical Status Report of applicant/accused with respect to HIV has been received from Addl. Superintendent, Central Jail No. 4, Tihar, New Delhi alongwith the report of Medical Officer In-charge, Central Jail No. 4, Tihar, Delhi, wherein it is mentioned that applicant/accused is a newly diagnosed case of PLHIV infection with complaint of generalized body ache, decrease appetite, weakness, weight loss, epistaxis with history of pulmonary tuberculosis(took ATT for 06 months, no document available) for which he is receiving treatment from Doctor on duty, jail visiting Medicine SR/ART Center at Central Jail Hospital, CJ-03 as and when required and all the medications as applicable are being provided to the inmate patient from jail dispensary itself. Further, applicant/accused is planned for review with ART center at CJ-03, on 14.05.2024 for further review and management.

Ld. counsel for applicant/accused submitted that applicant/accused is in JC since 08.10.2022 and he has been falsely

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implicated in the present case. It is further submitted that applicant/accused is suffering from TB and HIV disease in jail and there is no proper treatment provide to the applicant/accused. It is further argued that due to above said disease the weight of applicant/accused is continuously down and applicant/accused is not a previous convict. It is further argued that applicant/accused is not involved in any other case and it is prayed that the abovesaid application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Briefly stated, the present FIR bearing no. 927/2022 has been registered at PS Jahangir Puri U/s. 302/341/109/120B /01/506/34 IPC & U/s. 25/27 Arms Act. As per the reply filed by IO, applicant/accused had played an active role in commission of the alleged offence alongwith the co-accused person. As per the medical status report, on diagnosis, applicant/accused is not found to be patient of T. B., however, he has been recently being diagnosed with PLHIV.

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As per the medical status report, proper treatment is being given to applicant/accused and all medications are being provided. Further, applicant/accused is planned for review with ART Center at CJ-3 for 14.05.2024 for further review and management. In view of the same, this Court is not inclined to allow the present interim bail application filed on behalf of applicant/accused. Same is dismissed accordingly.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the applicant/accused.** The present bail application along with the proceedings be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
13.05.2024