

State Vs Ashok and Ors.
FIR No. 47/2015
PS Special Cell, Lodhi Colony

13.09.2018

Present: Sh. Masood Ahmed, Ld. Addl. PP for the State.

Accused Asif Ali present on interim bail.

Accused Subhash Jaiswal and Ashok produced from JC.

Sh. Jitender Sethi and Sh. Raman Sahni, Ld. Counsels for accused Asif Ali and Ashok.

Sh. Sumit Sharma, Ld. Counsel for accused Subhash Jaiswal.

PW 1/SI Bijender Singh is present. In view of the oral submissions made, B/Ws issued against him are cancelled. He is warned to be careful in future. As requested by Ld. Additional PP, he is discharged unexamined for today only and bound down for the next date.

No other PW is present.

A request is received on behalf of PW 5/ASI T.P. Belliappa through Naib Court seeking exemption on the ground that he was unable to appear being on leave. Let he be summoned afresh to appear alongwith requisite records on next date in terms of previous orders.

Re-list for RPE on 28.09.2018 at 11 AM and 16.10.2018 (dates already fixed).

As requested by Ld. Counsels for accused, PW 1, PW 3, PW 4, PW 5 and IOs be called for the next date. Requisite case property as well as DD registers be also produced on next date.

At this stage, accused Subhash Jaiswal has filed an application therein submitting that he was getting treatment for 'stomach pain' from Jail Hospital for last 3½ years, however, he was not getting any relief. A request has been made for getting treatment from Safdarjung Hospital. In view of the

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submissions made, let accused Subhash Jaiswal be taken to Safdarjung Hospital for treatment of 'stomach pain' and report in this regard be filed by Jail Superintendent on next date.

Copy of order be sent to Jail Superintendent concerned for compliance.

At this stage, Ld. Counsel for accused Asif Ali submits that application U/s 439 Cr. PC r/w section 37 of NDPS Act seeking extension of interim bail filed on behalf of applicant/accused Asif Ali is fixed for today. Neither any verification report is received nor IO has appeared.

Be awaited.

(Sudesh Kumar II)

Special Judge/NDPS/New Delhi/13.09.2018

At 12 Noon:

Present: Sh. Masood Ahmed, Ld. Addl. PP for the State.

Accused Asif Ali present on interim bail with Ld. Counsel Sh. Jitender Sethi.

IO/Inspector Jeetendra Tiwari is present. He has filed reply to the application qua accused Asif Ali.

Heard. Record perused.

It is stated by Ld. Counsel for applicant/accused that minor son of accused has been seriously ill. He was diagnosed with septicemia with high grade fever and now diagnosed to be having enteric fever i.e. typhoid. It is stated that as per the blood test report, his TLC count is about 17800 which is much higher from normal limits and therefore, his immediate admission is advised by doctors. It is stated that previously also, interim bail was granted to accused which liberty he has never misused.

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As per the reply filed by the IO, medical documents of son of accused have been verified and he is presently admitted in nursing home. Although his condition is stable, however, he needs 4-5 days more admission and again regular check up thrice a week.

Taking into consideration the overall facts and circumstances and only on humanitarian grounds, interim bail of accused Asif Ali is further extended till 28.09.2018 (date already fixed) with same terms and conditions. Bail bond already furnished on behalf of accused is further accepted till said date.

Application stands disposed of accordingly.

Copy of order be sent to Jail Superintendent concerned.

(Sudesh Kumar II)

Special Judge/NDPS/New Delhi/13.09.2018