

SC 256/2019
STATE Vs. HARSH @ DEEPAK @ JONI
FIR No. 485 /2018
PS Bawana
U/s. 307/120B/174A/34 IPC

01.11.2023

File taken up today on an application U/s. 439 Cr.P. c. for grant of interim bail moved on behalf of applicant/accused Manoj @ Toni @ Chotu.

Present: Sh. A. B. Asthana, Ld. Addl. PP for the State.
Sh. Akshay, Ld. counsel for applicant/accused.
Dr. Rishab, Central Jail NO. 8 & 9, Tihar appeared through VC.

Medical Status report of applicant/accused has been received from Deputy Superintendent, Central Jail No. 8/9, Tihar, New Delhi alongwith the report of Medical Officer Incharge. Same is taken on record.

Dr. Rishab, Medical Officer Incharge, Central Jail NO. 8 & 9, Tihar has appeared before the Court through VC from Jail and he has informed that applicant/accused was sent to LNJP Hospital and at present there is no urgency for any surgery.

Ld. counsel for applicant/accused submitted that in the month of May 2023, applicant/accused was suffering from abdomen pain, weight loss, weakness and fatigue wherein he approached the jail dispensary but no adequate treatment was provided to the applicant/accused. It is further submitted that afterwards applicant/accused started suffering from altered bowel movements and loose stool and lost significant weight, due to improper treatment of applicant/accused inside the jail premises the applicant/accused developed internal hemorrhoids but still no adequate treatment was

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provided to the applicant/accused. It is further submitted that vide order dated 16.09.2023 this Hon'ble Court was directed to concerned Jail Authorities to provide adequate treatment to the applicant/accused and in pursuant to the order of this Hon'ble Court applicant/accused was taken to G. B. Pant Hospital wherein he was advised medication and referred to department of Surgery at LNJP Hospital. It is further submitted tha applicant/accused has to undergo surgery for his internal hemorrhoids and also has to undergo Ultra Sound for whole abdomen. It is prayed that the above said 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.

Report of Medical Officer Incharge mentions that general condition of applicant/accused is stable and he is under regular follow up and all prescribed medications are being provided to him from Jail Dispensary CJ-8/9. Dr. Rishab, Medical Officer Incharge, Central Jail NO. 8 & 9, Tihar has appeared before the Court through VC from Jail and he has informed that applicant/accused was sent to LNJP Hospital and at present there is no urgency for any

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surgery. Ld. Additional PP for State has also drawn attention of the Court towards the Medical Status Report and submissions of Medical Officer Incharge and after considering the same it appears that, present application has been made without any merit.

Keeping in view of the fact that medical condition of applicant/accused is stable and he is being provided all prescribed medications, this Court is of view that there is no urgency for grant of interim bail at this stage as applicant/accused is regularly getting treatment and regular follow up for the ailments alleged by him. **The present interim bail application is hereby dismissed.** Bail application file be consigned to record room. **Copy of order be given dasti to the concerned parties.**

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
01.11.2023