

SC 436/2021
STATE Vs. SUSHIL KUMAR ETC (13)
FIR No. 218 /2021
PS Crime Branch-North Delhi
U/s: 302/307/308/364/365/452/323/342/188/
269/147/148/149/506(II)/392/394/397/411/201/109/120B/34 IPC
U/s 25(1)(B)/27(1)Arms Act

18.08.2023

File taken up today on an application U/s. 439 Cr. P. C for grant of interim bail moved on behalf of applicant/accused **Sushil Kumar.**

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Shrikant Sharma, Sh. Rishabh Verma and Sh. Joginder Tuli, Id. counsel for complainant Ashok Dhankad (father of deceased).
Sh. Sahil Malik & Sh. Sumeet Shokeen, Ld. counsels for applicant/accused.

A report with respect to the medical status report of applicant/accused received from Deputy Superintendent, Central Jail No. 7, Tihar, New Delhi alongwith the Medical Officer & I/C, CJ-07, Dispensary, Tihar New Delhi. Same is taken on record.

Ld. counsel for applicant/accused submitted that applicant/accused has already surrendered before the concerned Jail Authorities on Sunday i.e. 13.08.2023 in compliance of the order of this Hon'ble Court dated 11.08.2023 and presently applicant/accused is in judicial custody. It is further submitted that various conditions were imposed by this Hon'ble Court vide orders dated 19.07.2023 and 01.08.2023 and the applicant/accused has complied with all the conditions without any fail. It is further submitted that wounds of the surgery of applicant/accused have not yet been healed and the applicant/accused was informed by the doctors at BLK Hospital, Pusa Road, Delhi that the stitches will be removed after 15 days and the

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applicant/accused was informed that the stitches will be removed by the doctors at BLK Hospital on 17.08.2023. It is further submitted that after being discharged from BLK Hospital on 05.08.2023, the applicant/accused was regularly visiting at BLK Hospital for follow up and inspection of wounds and the applicant/accused was advised by the doctors to visit BLK for removal of stitches on 17.08.2023 and the applicant/accused was advised not to sit or lie down on floor as the same would give strain on the knee which might damage the recently operated knee. It is prayed that the interim bail application for a period of four weeks may kindly be allowed to applicant/accused for undergo Post Operative Procedure, removal of stitches, Care, healing of wounds, physiotherapy and recovery after surgery .

On the other hand, Ld. Additional PP for State and Ld. counsels for complainant submitted that allegations against the applicant/accused are serious in nature. It is further submitted that the stitches of applicant/accused may be removed at Tihar Jail Hospital and applicant/accused may get post operative procedure, care , healing of wounds, physiotherapy and recovery after surgery etc. also, at the Hospital of Tihar Jail, Delhi. It is further submitted that applicant/accused may also visit Sports Injury Center, VMMC and Safdarjung Hospital, New Delhi for such procedures, in custody from Tihar Jail, Delhi. It is prayed that the above said application may kindly be dismissed.

As per the medical Status report of Medical Officer

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Incharge, CJ-07, Dispensary, Tihar, New Delhi, Current Medical Status of applicant/accused was reviewed on 17.08.2023 by Jail visiting Ortho, SR. and upon examination wound healthy, tenderness, swelling present. Further the applicant/accused was advised continue bed rest and advances physiotherapy avoid jerky movement, avoid work alongwith removal of stitches. At present the inmate patient is hemodynamically stable, ambulatory with support (walker) and is complaining of right knee pain. All the medicines are being provided from jail dispensary.

Submissions Heard. Record Perused.

Thus, in view of the present medical status of applicant/accused his condition is stable and all the medicines are being provided to him from Jail Dispensary. Central Jail Tihar is fully equipped with facilities such as physiotherapy etc. and in case of any need, applicant/accused may also be sent to other Medical Institutes like Sports Injury Center, VMCC, Safdarjung Hospital for further follow up. Thereore, this court is not inclined to allow the present application for grant of interim bail for a period of four weeks. However, it is ordered that **applicant/accused Sushil Kumar be released on interim bail for a period of two days only for removal of stitches (from the date of release)** on furnishing personal bonds in the sum of **Rs.1 Lakh with two sureties** in the like amount. **Applicant/accused is directed surrender before the concerned Jail Superintendent after expiry of interim bail period for a period of**

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two days only (from the date of release).

Keeping in view the threat perception of the witnesses and also **considering the safety and security of the accused himself at least two security personnel shall be present with him round the clock to keep vigil over the applicant / accused Sushil Kumar. The entire expenditure of deployment of security persons / police men for keeping surveillance and security of applicant / accused shall be borne by the family members of applicant / accused Sushil Kumar and the amount will be deposited as per the norms of concerned Jail Rules Charges and the said amount be deposited with the concerned Jail Superintendent in advance. He is further directed not to threaten the prosecution witnesses or tamper with evidence or indulge in any such crime. The applicant/accused shall share his phone's live location as and when required by the IO. In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the interim bail granted to him shall be liable to be cancelled. The bail application is disposed of accordingly.** The same be tagged with the main file.

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

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
18.08.2023