

SC 436/2021
STATE Vs. SUSHIL KUMAR ETC (13)
FIR No. 218 /2021
PS Crime Branch-North Delhi
U/s.302/34 IPC

04.09.2023

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

Present: Sh. Gyanendra Kumar Mishra, Ld. Addl. PP for the State.
Sh. Rishabh Verma, Ld. proxy counsel for Sh. Joginder Tuli, Ld. counsel for Complainant namely Ashok Dhankad (father of deceased).
Sh. Rahul Sand & Sh. Himanshu Rana, Ld. counsel for applicant/accused Anirudh Dahiya.
Medical Officer Incharge, Central Jail No. 10, Rohini appeared through VC.

Ld. counsel for applicant/accused submitted that applicant/accused is suffering from Asthama and is having extreme difficulty in breathing and due to Asthama, the applicant/accused is also suffering from severe chest pain and is even facing difficulty in walking and talking. It is further submitted that on one occasion the applicant/accused went breathless and even after receiving treatment from Jail Authorities he was unable to get proper treatment and oxygen due to which he was admitted to Dr. BSA Hospital, despite receiving treatment from the jail authorities there is no improvement in the medical condition of the applicant/accused , rather his medical condition is aggravating. It is further submitted that due to the frequent and regular asthmatic attacks even after taking medicine through puffer, it is quite possible that the applicant/accused is suffering from some sort of lungs infection or disease related to lungs

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and he is required proper medical treatment. ***Ld. counsel for applicant/accused has filed certain citation i.e. titled Vijay Agrawal through Parokar Vs. Directorate of Enforcement, Bail Appln. no. 1762/2022 & Crl. M.A. 11556/2022.*** It is prayed that the above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State and Ld. counsels for complainant strongly opposed the above said 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.

As per the report of Medical Officer Incharge, Central Jail Dispensary dated 29.08.2023, applicant/accused is a follow-up of Bronchal Asthama with on and off acute exacerbation and is under evaluation of ABPA (acute broncho pulmonary aspergilosis), poorly un-controlled hypertension (under evaluation) and applicant/accused is on regular follow up from Safdarjung Hospital, Dr. BSA Hospital, Jail Duty Doctors and Jail visiting Specialists doctors. Further, at present, applicant/accused is admitted in MI Room of Jail Dispensary and he is hemodynamically unstable with fluctuation of blood pressure readings for which he requires injectible and anti hypertensive drugs and he is on triple therapy hypertensive drugs of

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02 weeks as advised by Safdarjung Hospital dated 24.08.2023.

In the present case, applicant/accused **Anirudh Dahiya** is under treatment from Safdarjung Hospital, Dr. BSA Hospital, Jail Duty Doctors and Jail visiting Specialists doctors and he is receiving all prescribed medications, review with concerned specialist and doctor on duty from Central Jail Dispensary regularly as per the latest medical status report received from concerned Medical Officer Incharge , Central Jail No. 10, Rohini, Delhi. Medical Officer was also directed to join the court proceedings through VC and he has informed that proper medical treatment is being given to applicant/accused **Anirudh Dahiya**.

Keeping in view of the above discussion as well as in view of the Medical Status Report of applicant/accused, 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
04.09.2023