

CNR No. : DLNT01-006875-2021

SC No. : 436/2021

STATE Vs. SUSHIL KUMAR ETC

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

25.10.2024

File taken up today on an application U/s. 439 Cr. P. C for grant of interim bail moved on behalf of applicant/accused **Subhash S/o. Satnarain** is placed before me in terms of order No. 27214-238 Judl. /Bail /North /RC /2024, dated 30.08.2024 of Ld. Principal District & Sessions Judge, North, Rohini Courts, Delhi.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for State.
Sh. Shribani Sharma and Sh. Saurabh Mishra, Ld.
Counsels for Complainant.
Sh. Sumit Shokeen, Ld. Counsel for applicant/accused.

Reply to the present interim bail application has been filed on behalf of IO. Same be taken on record. Copy supplied.

A medical status report with respect to applicant / accused Subhash has been received from the Office of The Superintendent, Central Jail No.01, Tihar, New Delhi. Same be taken on record.

Ld. Counsel for applicant/accused submits that applicant/accused has been falsely implicated in the present FIR case and the applicant / accused has no role whatsoever in the offences as alleged in the present FIR case. It further submitted that the present application is being filed by the applicant without going into the merits of the case and purely on humanitarian ground. It further submitted that applicant/accused Subhash is in J/C since 18.06.2021.

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It further submitted that applicant/accused has already undergone a judicial custody of more than three years and four months. It further submitted that applicant/accused is suffering from severe pain in his left knee from last four to five months and there is sight of relief in the pain despite being given medicines / tablets by the jail officials. It further submitted that applicant/accused was taken to Dr. Ram Manohar Lohia Hospital, Delhi, wherein the applicant was informed by the doctors that appellant is suffering from Low Grade ACL partial tear in his left knee and surgery would be required for proper relief. It further submitted that the doctors had informed the applicant/accused that prior to surgery, MRI of the left knee would be required to ascertain the ligament status and degeneration of tear. It further submitted that MRI of the left knee of the applicant has been scheduled by the doctors on 21.11.2024 i.e., after a delay of more than one month and owing to severe pain in the left knee, it is not possible for the applicant to even walk properly without support. It further submitted that applicant is not even able to perform his daily chores in jail owing to the unbearable knee pain being suffering by the applicant. It is therefore, prayed that the present interim bail 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.

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As per the medical status report, applicant/accused Subhash has been referred to DDU Hospital, Delhi and later on to RML Hospital for his treatment. Further, as per latest follow-up at RML Hospital, he was thoroughly examined and has been prescribed appropriate treatment with further advise to review with MRI for Left knee which has been scheduled for 21.11.2024. Thus, proper medical treatment is available inside the jail and no ground for grant of interim bail is made out in view of the seriousness of allegations as well as gravity of offences alleged against applicant/accused **Subhash**. The interim bail of applicant/accused **Subhash** is dismissed, accordingly.

Interim bail application file be tagged along with main case file. Copy of order be given dasti to the concerned parties.

(Sushil Kumar)

Addl. Sessions Judge-04

North District Rohini Courts Delhi

25.10.2024 ^(R)