

CNR no. DLNT01-006875-2021
Session case No. 436/2021
IA/14/22 (interim bail application of applicant/accused
FIR no. 218/2021
PS-Crime Branch Model Town
State Vs-Sushil Kumar & Ors.
U/s-
302/307/308/364/365/452/323/342/188/269/147/148/149/506(II)/392/394/397/4
11/201/109/120B/34 IPC
& u/s-25(1) (B) & u/s 27(1) Ams Act

09/05/2022

File taken-up today as this application u/s 439 CrPC for grant of interim bail for two weeks moved on behalf of applicant/accused Subhash is pending.

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Sh. Sumeet Shokeen, Id. counsel for the applicant/accused.
IO Inspector Mangesh Tyagi, ARSC/Crime Branch, Shakarpur,
Delhi, in person.

Pursuant to previous order, verification report qua the medical documents of the wife of the applicant/accused has been received, as per which, the medical documents are found genuine.

It is submitted by Id. counsel for the applicant/accused that wife of the applicant/accused got her USG diagnosis done on 23/04/2022 and she was diagnosed with enlarged liver and presence of calculi (stone) in the Gall Bladder measuring 22 mm in size and the spleen was also found to be enlarged in size. He has further submitted that the abdominal pain of the wife of the applicant/accused was not getting cured and as such she got herself examined at a government hospital namely Bhagwan Mahavir Hospital, Pitampura, Delhi, on 27/04/2022 and was again advised to undergo a surgery for removal of the

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entire gall bladder namely Chloe systectomy as the stone is very big in size and further advised to undergo certain tests. He has further submitted that a short date of surgery was not available at Bhagwan Mahavir Hospital, Delhi, on account of heavy rush and the abdominal pain and burning sensation and she approached Kesar Hospital situated at Kirari, Delhi, on 01/05/2022 for surgery and the concerned doctor has scheduled the surgery of the wife of the applicant/accused for removal of Gall Bladder for 07/05/2022, which is now re-scheduled for 11/05/2022, medical documents qua which are annexed with the bail application. He has further submitted that due to abdominal pain, the wife of the applicant/accused is not in a position to take care of herself and her minor children and there is nobody in the family of the applicant/accused to take care of his wife at the time of aforesaid surgery and other tests. He has further submitted that son of the applicant/accused is aged about 3 years and he has to be admitted in a school and wife of the applicant/accused being a lone lady and suffering from aforesaid ailment is not in a position to visit different schools and manage the cumbersome process of admission of child in a school. He has further submitted that father of the applicant/accused died in the year 1998

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and his mother is an old senior citizen aged about 64-65 years, suffering from various old age ailments and the brother of the applicant/accused is not in talking terms with the applicant and they are not residing together. He has further submitted that applicant/accused is seeking interim bail only to take care of her ailing wife at the time of her surgery and to manage the logistics for her surgery and other requirements and for better upbringing of minor children and for getting his younger son admitted in a school. Ld. counsel has further submitted that earlier also, the applicant/accused moved application seeking interim bail on the ground of his ailing wife, which was dismissed vide order dated 12/01/2022. He has further submitted that applicant undertakes to surrender either before the Court or before Jail authorities in case bail is granted to him and further undertakes to abide by all the conditions which may be imposed by this Court. Ld. counsel has lastly prayed for grant of interim bail for two weeks in favour of the applicant/accused.

On the other hand, Id. Addl. PP for the State has strongly opposed the bail application on the ground of nature and gravity of the offences. He has further submitted that earlier also, the applicant/accused sought interim bail on

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the ground of illness of his wife, which was dismissed. He has further submitted that there is a video clipping in which this applicant/accused is clearly seen beating deceased Sagar with a hockey stick, brutally and mercilessly. He has further submitted that investigation is still in progress to arrest the remaining accused. He has further submitted that there are so many persons in the family of the applicant/accused to take care of his wife, if she undergoes surgery. He has further submitted that stone of gall bladder can be removed through laser surgery which hardly takes two hours, though some rest may be required and merely for that purpose, his presence cannot be said to be required. He has further submitted that wife of the applicant/accused is herself a govt. teacher and she can get her son admitted in a school.

Heard. As per the reply filed by the IO, the applicant/accused has two brothers and three sisters. The wife of the applicant/accused has parents, two brothers. There are no estranged relations between the parties except one brother. Even Id. counsel for the applicant/accused has not stated that they are not on talking terms. Perusal of the medical record also reveals that somebody is taking care of the wife of the applicant/accused as she is continuously visiting

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the hospital(s) since April 2022. The submission of Id. counsel for the applicant/accused that son of the applicant/accused is to be admitted in school is cannot be considered as wife of the applicant/accused is herself a government teacher and is well about the system and she herself and other family members can get the child admitted in the school. Keeping in view the aforesaid facts and circumstances coupled with seriousness and gravity of the offences, also in view the role of the applicant/accused in the commission of offence and further in view of the fact that investigation is still in progress and also in view of the fact that the applicant/accused is the resident of same locality, possibility of influencing the witnesses cannot be ruled out, no ground for grant of interim bail is made out. Hence, the present application is dismissed and is disposed of accordingly. It be tagged with the main case file.

Put up on date fixed for purpose fixed.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:09/05/2022(A)