

CNR No.:DLNT01-008564-2022
SC No. 748/2022
STATE Vs. Md. Rustam @ Mukhiya
FIR No. 560/2022
PS Jahangir Puri
U/s: 302/201/323/34 IPC

26.03.2024

*(File taken up today on an application for grant of interim bail for a period of 30 days on his own medical grounds moved on behalf of applicant/accused **Mohd. Rustam @ Mukhiya**).*

Present: Dr. Raj Rani, Ld. Addl. PP for State.
Complainant in person.
Sh. Gajraj Singh, Ld. Counsel for applicant/accused
Md. Rustam @ Mukhiya.

Ld. Counsel for applicant/accused submitted that earlier applicant/accused was operated for orthopedic surety in the month of October, 2022. It is further argued that almost fifteen months have been passed from the date of surgery and the time for removal of plating is due and the applicant/accused has to get operated and get removed the plating as per procedure. It is further argued that the applicant/accused has not been provided with the appropriate treatment inside the jail and if not treated properly and on time, can lead to severe infection. It is prayed that the above said application may kindly be allowed and applicant/accused Md. Rustam @ Mukhiya be released on interim bail for a period of thirty days for the afore-mentioned reason.

On the other hand, Ld. Additional PP for State has strongly opposed the present interim bail application and she has submitted that allegations against the applicant/accused are serious in nature. Complainant is also present in the Court and she has

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strongly opposed the present interim bail application on the ground that the family of deceased is having serious threats from the applicant/accused and if released on interim bail, he is likely to threaten the family of deceased. It is prayed that the above said application may kindly be dismissed.

A report from Medical Officer, In-Charge, CJ-10, Rohini, New Delhi with respect to current medical status of applicant/accused Md. Rustam @ Mukhiya has been received. Same is also perused.

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.

It is pertinent to mention that it is mentioned in the current medical status report of applicant/accused received through concerned Jail Superintendent that the inmate/patient is a follow up case of fracture left ulna shaft operated for open reduction internal fixation with plating and bone graft done in Dr. BSA Hospital in October 2022. It is further mentioned that the applicant/accused is under regular treatment and follow up from jail duty doctors, jail visiting orthopedic specialist and orthopedic department of Dr. BSA Hospital. It is further mentioned in the said report that the applicant/accused was last reviewed in the orthopedic department of Dr. BSA Hospital on 21.03.20.24 wherein, he was advised appropriate treatment i.e., conservative treatment for his illness including limb elevation and wrist physiotherapy. It is further

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mentioned in the report that that '*there there is no indication for removal of plating as there is no complaint being reported because of this*'. It is further mentioned in the medical status report that the at present, the general medical condition of the afore-mentioned inmate/patient is stable and all the prescribed medicines are being provided to him from the jail dispensary.

Keeping in view of the medical status report received through concerned Jail Superintendent as well as in view of the seriousness of allegations and gravity of offences alleged against applicant/accused **Md. Rustam @ Mukhiya**, this Court is of view that no ground for grant of interim bail to applicant/accused **Md. Rustam @ Mukhiya** is made out. **Hence the present interim bail application is dismissed.** The application is disposed of accordingly.

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

**(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
26.03.2024 ^(R)**