

15/06/2021

As per latest order of Hon'ble High Court vide no. 5/R/RG/DHC/2021 dated 23/04/2021 & order no. 6/R/RG/DHC/2021 dated 14/05/2021 and subsequent to partial modification of order no. 16756-16818/Judl/North/RC/2021 dated 15/05/2021 vide order no. 18626-18680/Judl/North/RC/2021 dated 02/06/2021 of Id. Principal District & Sessions Judges, North & North-West, Rohini Courts, Delhi, all judicial officers of Delhi District Court shall take-up only urgent cases of their respective Courts, through videoconferencing from 09/06/2021 till 30/06/2021 and all other matters shall be adjourned en bloc and information in this regard shall be uploaded on the website(s) of Delhi District Courts.

This application for grant of interim bail u/s 439 Cr.P.C for 45 days moved on behalf of above named applicant/accused **Ishwar** is placed before me since the regular matter is pending before me. The same is taken-up through videoconferencing via CISCO Webex App.

Present in the Court : None for parties.

Present through Webex : Sh. Sanjay Jindal, Id. Addl.PP for the State. .

: Sh. S.P Dhankar, Id. Counsel for the applicant/accused.

It is submitted by Id counsel for the applicant that he is seeking interim bail of the applicant on medical grounds. He has further submitted that applicant is suffering from piles problem and while passing stool blood is coming and no proper treatment is being provided by jail authority. Ld counsel has further submitted that applicant has lost 25 kg weight due to the said problem and his conditions is very critical as on the today. He has further submitted that investigation has already been completed and charge-sheet has also been filed in the present case. He has further prayed that interim bail may be granted to the applicant so that he can take proper treatment.

Reply has been received from the concerned P.S as per which the applicant is having previous involvements in four other cases. It is also mentioned in the reply that applicant is facing sentenced of life imprisonment for committing murder of jail warden in case FIR No. 112/03 and in case he has been granted interim bail there is apprehension that he may not turn up to face trial of the present case.

Ld Substitute Additional P.P for state has opposed for grant of interim bail to the applicant and has submitted that applicant is involved in number of criminal cases and has also absconded previous hence his application for grant of interim bail may be dismissed. He has further submitted that even other wise all types of better treatments are given to the inmates by the Jail Authorities and for the purpose of taking treatment interim bail is not necessary.

I have also perused the report of the concerned Jail Superintendent alongwith medical status report of the applicant sent by the concerned Medical Officer. As per the report on 02.06.2021 the applicant was sent to PGIMS, Rohtak and prescribed treatment was being provided to him regularly and on dated 07.06.2021 the applicant refused to go to Rohtak PGIMS for taking follow up treatment. In this regard it is submitted by Id counsel for the applicant that as per the information given to him

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doctors were not available at PGIMS Rohtak when the applicant was taken for treatment there and has submitted that applicant may be directed to be taken to some other government hospital for his better treatment.

Heard. In the present case the applicant was taken to one of the best hospital/medical facility center available near the applicant however he denied to take follow up treatment there. As far as the submissions of the Id counsel for the applicant that doctors were not available in the said medical center is concerned, the same may be the situation at that time due to COVID-19 cases. Keeping in view the previous involvements of the applicant and the fact that he is facing sentenced of life imprisonment for committing murder of jail warden in case FIR No. 112/03 and further in view of the fact that earlier the applicant absconded when previously bail was granted to him and possibility of his fleeing from justice can not be ruled out in case he is granted interim bail. Even otherwise proper medical treatments used to be given in the Jail Authority to the inmates and applicant can get treatment in the jail itself. Accordingly, the concerned Jail Superintendent is directed to provide proper medical treatments to the applicant as per his requirements either at PGI Rohtak or in some other government hospital as per the jail manual and in case he needs any type of surgery etc. on urgency grounds, arrangement for the same be also made and he be get operated in the government hospital as per the jail manual. Accordingly with above directions the present application for grant of interim bail is disposed of accordingly. Copy of order be sent to the concerned **Jail Superintendent for intimation and compliance.**

Let copy of this order be sent on the email/ whatsapp of the Id. Counsel for the applicant/accused.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:15/06/2021(M)