

IA. No. 04/2023 in SC No. 692/2022
STATE Vs. Rahul @ Moni
FIR No. 264/2018
P.S. Crime Branch
U/s 25/27 Arms Act

13.07.2023

This is the bail application under Section 439 Cr.P.C for grant of interim bail moved on behalf of the applicant/accused Rahul @ Moni on his medical grounds.

Present: Mr. Harvinder Nar, Ld. Addl. PP for the State.

Mr. Arun Sehrawat, Ld. Amicus Curiae for the applicant/accused.

1. Current medical status report has been received from concerned Jail Superintendent and same has been perused.

2. Ld. Counsel for applicant/accused has argued that he is seeking interim bail of the applicant on his medical grounds. It is further submitted that applicant/accused will not flout any terms and conditions, if so imposed. It is prayed that a lenient view be taken.

3. Ld. Addl. PP for the State has strongly opposed the interim bail application stating that applicant/accused should not be granted interim bail owing to the gravity of the offence.

4. I have heard the submissions made by the Ld. Addl. PP for the State and Ld. counsel for the applicant/accused.

As per the report of concerned Jail Superintendent, although, applicant/accused is being given proper medication, however, from the report it transpires that he suffering constant pain in his abdomen and has been diagnosed with Malingering. He was also taken to GTB Hospital and a psychiatric review was also done. It is submitted by the ld. Counsel that the condition of the accused is not good and he be given an opportunity for an

appropriate diagnosis from a private hospital. Taking a humanitarian view, **accused Rahul @ Moni is granted interim bail for a period of 30 days from the date of release on his furnishing of bail bond for a sum of Rs.10,000/- with one surety of the like amount, who is permanent resident of Delhi/NCR, to the satisfaction of the Court/Duty MM/Area MM** but subject to the following conditions:

- (a) The applicant/accused shall not try to contact or influence the witnesses in any manner, directly or indirectly.
- (b) The accused shall not indulge into similar offence in the event of release on bail.
- (c) The accused shall not tamper with the evidence.
- (d) The accused shall provide his mobile number to the concerned SHO, on which he may be contacted, if required as per law and shall ensure that the said number be kept active and switched on all the time.
- (e) The accused shall surrender himself before the concerned Jail Authorities after expiry the period of interim bail.

Application is disposed off accordingly.

6. ***It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.***

7. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules, by the court staff.

(Shefali Sharma)
ASJ-02/North District
Rohini Courts/Delhi/13.07.2023