

Bail Matter
FIR No. 820/2017
PS Mangolpuri
State Vs. Himanshu
U/s 302/34/120B IPC & 25/54/59 Arms Act

06.11.2024

Present: Sh. Vineet Dahiya, Ld. Addl. PP for the State.
Sh. Manish Garg, Ld. Counsel for applicant/ accused.

1. ***This is an application U/s 483 BNSS for granting of interim bail, moved on behalf of applicant/ accused Himanshu.***

2. The present bail application has been filed on the ground that the above mentioned case is pending adjudication before this Court and listed on 17.01.2025 and that the applicant/accused is innocent and has been falsely implicated in the present case by the police officials. Further, that nothing incriminating evidence has been collected by the police officer in the present case against the applicant/accused. It is further contended that the applicant/ accused is suffering from various medical issues as the blood is coming out from his anus for which the treatment is going on through Jail and it is pertinent to mention here that from lasst few days, the blood is coming out through urine of the applicant/ accused for which also treatment is going on through Jail itself. Further that doctors gave the date for the M.R.I in the year of 2026 which is a long time till then the medical condition of the applicant/ accused will be more worst. Further that the applicant/ accused has a son aged about 11 months, who is also suffering as doctors said that there is a hole in the heart of the son of applicanat/ accused. Further that there is no one else to take care of the son of applicant/ accused except the wife of applicant/

accused who is also suffering from medical issues. It is further submitted that the applicant/ accused was granted interim bail four times and he never misused the privilege of his interim bail. Hence, the application.

3. Reply has been filed by IO wherein it is mentioned that the applicant/accused is previously involved in criminal cases.

4. Ld. Addl. PP for the State has strongly opposed the bail application on the ground that the applicant/accused is habitual offender in as much as he is previously involved in other criminal cases.

5. Heard. Perused.

6. The fact of the medical condition of the applicant/ accused has been verified by prosecution. As per the medical status report filed by Jail Superintendent, the applicant/ accused is suffering from bleeding per rectum for which he was referred to Dr. BSA Hospital department of Surgery. Applicant/ accused was diagnosed with anal fissure and treated accordingly but the bleeding persists. Further that the applicant/ accused is also suffering from difficulty in passing urine with burning micturition with micturition with scanty urine and pain abdomen with vomitings.

7. Considering the totality of facts and circumstances, application is allowed. Applicant is granted interim bail for a

period of 20 days on furnishing personal bond in sum of Rs. 50,000/- with one surety of the like amount subject to the conditions:

- i) That in case of change of his residential address, he shall intimate the court about the same;*
- ii) That the applicant shall not try to contact witnesses of the present case in any manner;*
- iii) That the applicant shall not commit any other crime during the period of interim bail;*
- iv) That the applicant shall surrender before Jail Superintendent after expiry of period of interim bail, without fail. No further extension shall be entertained on the same ground.*

8. With these observations, application is disposed off. Copy dasti. Copy of this order be also sent to Jail Superintendent.

VIKRAM
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/06.11.2024