

**IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04
(SHAHDARA), KARKARDOOMA COURTS, DELHI.**

SC No. 99/2023, IA No. 8/2025

STATE VS. Shah Faisal @ Anas

FIR No. 753/2022

PS: Welcome

U/s 201/302/120B IPC

29.03.2025

This is an application moved under Section 483 of BNSS, 2023 seeking interim bail for a period of 45 days moved on behalf of applicant/accused Shah Faisal @ Anas.

Present: Sh. S.K. Dubey, Ld. Addl. P.P. for the State.
Sh. Sachin Shukla, Ld. Counsel for the accused/
applicant.
Dr. Ashok, SMO, CJ-11, Mandoli, Delhi in person.

Arguments heard on the present already application.

1. Ld. Counsel for the accused/applicant had submitted that accused/applicant Faisal Shah @ Anas is severely ill suffering from various ailments, thus, he requires medical attention from a private medical facility, therefore, applicant/accused may be admitted on interim bail for a period of 45 days.

2. Per contra, Ld. Addl. P.P for the State had opposed the interim bail application on the ground that the allegations against the applicant/accused are grave in nature; that there is absolutely no genuine ground to release the applicant/accused Shah Faisal @ Anas on interim bail as applicant/ accused is getting regular treatment and proper prescribed medications on regular basis from the Jail Dispensary and also from the GTB Hospital. Further, applicant/accused is an active member of Hasim Baba Gang, therefore, there is a potential danger to his life and other lives, if he comes out of judicial custody/security cover, due to rivalry between the gangs and it would be in the interest and safety of the applicant/accused himself, if he gets due treatment or surgery in the Govt. Hospital.

3. Today, Dr. Ashok, SMO, CJ-11, Mandoli Jail has filed medical status report along with copy of medical record of the applicant/ accused and has submitted that accused/ applicant Shah Faisal @ Anas is suffering from piles (hemorrhoids) and pulmonary tuberculosis (TB); that applicant/accused is under treatment for his ailments and is also being followed up at GTB Hospital, Delhi; that the treatment of pulmonary tuberculosis (TB) is of six months which is being duly provided to the applicant/accused regularly and hemorrhoids (piles) can be normally treated in any Government hospital.

It is submitted that though the requisite treatment is being provided to applicant/ accused but the applicant/accused keeps visiting the Jail Dispensary regularly almost on daily basis with the complaints of pain and states that he does not want to get himself treated in any Government hospital and wants a treatment from a private hospital.

4. It is contended by Ld. Addl. PP for the State that it is the applicant/accused himself who does not want to avail the treatment from Government hospital where all his ailments can be properly treated, therefore, it is quite evident that applicant/accused is making deliberate grounds to get treatment from private hospital to come out from the Jail; that applicant/ accused being a habitual offender involved in many other cases of similar nature, so there is every likelihood that applicant/ accused may flee away from the due process of law.

5. This Court heard the submissions of Ld. Counsel for the accused/ applicant and Ld. Addl. P.P. for the State and has perused the record.

6. Today, Medical Report of the Pt/Inmate/Accused Faizal is being filed before this Court which reveals that accused/applicant is follow up case of hemorrhoids (bleeding per rectum), pulmonary

tuberculosis (TB) and he is on regular medications as per advise of treating doctor of GTB Hospital; that inmate has visited Jail Dispensary and complained that despite taking medications, the symptoms still persisted. Report further reveals that medical treatment of the aforesaid medical illness of the applicant/accused will be provided in Government Hospital and applicant/accused will further follow up at GTB Hospital in concerned department in view of the persistent symptoms.

7. It is stated by Dr. Ashok, SMO, CJ-11, Mandoli, Delhi that applicant/accused is suffering from Pulmonary Tuberculosis (TB) and hemorrhoids (piles); that he is getting regular treatment and is also being followed up at GTB Hospital. It is further being apprised to the Court that it is the applicant/ accused himself who does not wish to get himself treated in a Government hospital where proper and requisite treatment can be accorded to him as per his diagnosis i.e. TB and piles (hemorrhoids) problem.

8. Ld. Counsel for the accused/ applicant has prayed for grant of interim bail to the accused/ applicant on the abovestated medical grounds. As per the medical status report of the accused/ applicant and submission made by Dr. Ashok, SMO, CJ-11, Mandoli Jail, accused/applicant is under treatment for his ailments from Jail Dispensary and GTB Hospital; that accused is also being followed up and is on medications on regular basis as per the advise of treating Doctors of GTB Hospital. The Medical Report from the concerned Doctor does not reveal that medical condition of the applicant/ accused cannot be treated in Government Hospital. Rather, it is stated that accused/applicant can be normally treated for his ailments in any Government hospital. So, there seems no requirement of the applicant/ accused to be released from JC on interim bail for the reasons alleged.

In view of the foregoing discussion, this Court is of the considered opinion that no ground is made out to grant interim bail to

the accused/ applicant Shah Faisal @ Anas. Accordingly, the present interim bail application stands, **dismissed**.

9. Concerned Jail Superintendent is directed to provide due medical care, attention and proper medications/ treatment to the applicant/accused for all his ailments, from Government Hospital/ Government Medical Facility/Jail Dispensary, as per rules in this regard.

10. Medical status report of the applicant/ accused be filed before this Court every ten days.

11. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

12. In compliance of directions of Hon'ble Supreme Court of India in case titled *'In Re: Policy Strategy for Grant of Bail', Writ Petition (Crl.) No. 04/2021 dated 31.01.2023*, copy of this order be sent to applicant through concerned Jail Superintendent for information.

13. Copy of this order be also given dasti to Ld. Counsel for applicant/accused.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/29.03.2025