

**S.C. No. 7256/2016**  
**DRI Vs. Anil Kumar & Ors.**

09.03.2018

Present :- Ms. Mala Sharma, Ld. Spl. PP for DRI.

All accused are produced from JC.

Mr. S.S. Das, counsel for accused Amit Kumar.

Mr. Kamal J.S. Mann, counsel for accused Anil.

Mr. Vivek Tandon, counsel for accused Manu Khosla.

Further examination-in-chief of PW10 Sh. B.K. Banerjee recorded in part. He is discharged for today.

Application of the accused Manu Khosla dated 16.02.2018 for interim bail on medical ground is also listed today. Report dated 20.02.2018 has already been received from the Medical Officer/Incharge, Central Jail, Dispensary 8/9, Tihar. The application is opposed by DRI. It is stated in the reply that DRI has no objection, if the accused receives treatment at any government hospital. Attention of the Court has been drawn to the guidelines laid down by Hon'ble High Court in the matter of Ather Pervez. It is also stated that accused had absconded after cancellation of his bail and he was declared P.O. He could be arrested after lot of efforts. I have considered the submissions made by Ld. SPP and by Ld. Counsel for the accused. I have also perused the record.

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Accused Manu Kholsa earlier also applied for interim bail on medical ground but his application was dismissed by this Court vide order dated 22.12.2017. It was observed that the accused himself got his treatment deferred. The fact that the accused was earlier declared P.O. also went against him.

In the report, which is sent by the Medical officer/Incharge, the ailment of the accused Manu Khosla are mentioned in Para 1. He is suffering with various ailments. He was supposed to be operated at AIIMS on 02.02.2018 for left superficial parotidectomy under GA. He was referred to ENT Department for review and PAC investigation on 15.12.2017 but he could not be produced before the ENT Department due to Court date. The report shows that the accused Manu Khosla could get the operation done on 02.02.2018 due to various reasons which cannot be attributed to him. Sometimes, he could not be produced in the hospital and sometimes he had complications which require interdisciplinary co-ordination between different departments of the hospital. The procedure

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adopted at AIIMS does not seem to facilitate treatment by all concerned department on the same date. It is clearly mentioned in the report that raised blood pressure and increasing size of the tumor may be detrimental to the accused.

Accused assures that he will not flee from justice. He was asked whether he wants direction from the Court to AIIMS admit him and to treat him. He submitted that any appropriate order may be passed but he would like to visit a private Super Specialty Hospital for assessment whether the tumor is cancerous and will also like the operation to be performed in such hospital.

The medical condition of the accused has been assessed by government doctors and hospital. The report of Medical officer/incharge, Jail No. 8-9 mentions that the delay can be detrimental to the health of the accused. This observation was made earlier also. Accused has already submitted the local address where he would reside during the period of interim bail and he has also furnished the details of

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two proposed sureties. Addresses have been verified by the DRI.

Taking into consideration the facts mentioned above, the application is allowed and the accused Manu Khosla is granted interim bail on medical ground for 15 days from the date of his release from the jail on furnishing personal bond of Rs. 1 Lac with two sureties of like amount. During the period of interim bail, the accused Manu Khosla shall not leave Delhi and country without permission of the Court. He will surrender his passport, if any and he will not try to tamper the evidence.

Copy of the order be sent to the Superintendent of Central Jail no. 8/9, Tihar, Delhi.

Copy of order be also given dasti to Ld. SPP for DRI and to Ld. Counsel for accused Manu Khosla. DRI may inform FRRO for opening LOC against the accused Manu Khosla.

List for P.E. on **4<sup>th</sup>, 6<sup>th</sup>** and **9<sup>th</sup> April 2018.**

**(Rajesh Kumar Singh)**  
Special Judge (NDPS)/ASJ  
South District/09.03.2018