

Bail IA No. 1/2024
SC No. 861/2023
FIR No. 633/2023
PS Palam Village
State v. Vikrant Shah

03.02.2024

This is an application under Section 439 Cr.P.C. for grant of **interim bail for 20 days**, moved on behalf of applicant/accused **Vikrant Shah**.

Present: Shri Yogendra Adari, Ld. Addl. PP for the State.
Shri Neeraj Jakhar and Shri Ranjeet Singh, Ld.
Counsels for applicant/accused.
Ms. Deepika Sachdeva, Advocate from DCW.
Investigating Officer, W/SI Sanju Kumari in person.

1. It is stated that applicant/accused is father of the applicant/accused a senior citizen of 59 years of age and has to undergo surgery for arthroplasty of both his knee joints/ replacement on 05.02.2024 at Shah Hospital, Usmanpura, Ahmedabad, Gujarat for which he needs to get admitted for surgery on 04.02.2024. He has placed on record some medical documents. It is further argued that applicant/accused has two brothers, however, they are not residing with the parents and have not been on talking terms since many years. There is no other person in the family to take care of his father. It is prayed that interim bail may be granted to the applicant/accused for 20 days.
2. IO filed reply to the application and objected the bail application.
3. Ld Additional Public Prosecutor has also objected to the bail

stating that the documents filed by the applicant/accused in support of medical treatment of his father, have been issued by private hospital and same can be considered only if that of a government hospital had been filed. He has placed reliance on the judgment of **Directorate of Revenue Intelligence v. Paramjit Singh Gulati**, CRL.M.C. 62/2015 & Crl.M.A. 285/2015 dated 09.01.2015.

4. I have heard the arguments addressed by Ld. counsel for the applicant/accused and Ld. Additional PP for the State. I have also perused the material placed on record.
5. It is argued by the Counsel for the accused that the earlier surgery was scheduled in August last year, however it could not be done at the time. It appears that the mother of the accused has also undergone knee replacement surgery in the year 2017, many years prior to filing of the present case, which too was done from the same hospital. Her discharge papers from then have been placed on record. This reflects that family of the applicant/accused has gotten treatment from this doctor and hospital since long and does lend credibility to the documents filed by the applicant/accused.
6. Further the judgment relied upon by the Ld. APP gives guidelines which be kept in mind so that the Court is cautious will deciding such an application. In the instant matter, the fact the mother of the accused had done a similar operation from the same hospital and that the doctor had recommended surgery for

the father of the accused before registration of the present FIR, this Court is of the considered view that the applicant/accused be **granted interim bail w.e.f. 03.02.2024 till 23.02.2024** on furnishing of Personal Bond in the sum of **Rs.30,000/-** with one surety in the like amount, to the satisfaction of Ld MM/Ld. Duty MM with the following conditions:-

- i) That the applicant/accused or his family will not contact the victim.*
- ii) That the applicant/accused shall not indulge into similar offence while being released on interim bail.*
- iii) That applicant shall not leave the country without prior permission of the Court.*
- iv) That applicant shall provide all his mobile numbers to the IO and keep them operational at all the times.*

7. The applicant/accused is directed to **surrender** before Ld. MM/Duty MM/Jail Superintendent on **24.02.2024**. In view of above observations, interim bail application stands disposed off. Copy of order be given dasti to Ld. counsel for accused as well as IO/SHO.
8. Copy be sent to Ld. MM/Duty MM/Jail Superintendent for compliance.

(SADHIKA JALAN)
Addl. Sessions Judge (FTSC) (RC)
South West District, Dwarka Court
03.02.2024 (PK)