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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 224/2022

KULDEEP TOMAR

..... Appellant

Through: Ms. Astha, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Shubhi Gupta, APP with SI
Suresh Kumar, PS New Usmanpur.
Mr. Harsh Prabhakar, Advocate
(DHCLSC) with Mr. Dhruv
Chaudhry, Advocate for victim.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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01.12.2022

CRL.M.(BAIL) 1422/2022 (for interim bail)

The present application under Section 374, sub-Section 2 of the Code of Criminal Procedure, 1973 has been instituted on behalf of Kuldeep Tomar, seeking interim suspension of sentence and release on interim bail, on the ground that he is required to undergo cataract surgery on his right eye.

A status report dated 30.11.2022, made by Inspector Sukhrampal, Police Station: New Usmanpur, has been handed-over in the Court today. The same is directed to be taken on the record.

A perusal of the medical report authored by Dr. Sanjay Chaudhary, dated 29.11.2022, which has been annexed to the said status report, reveals that the appellant requires phacoemulsification with foldable monofocal IOL implantation, which has now been scheduled for 07.12.2022. The



medical report further states that the appellant will require antibiotic-steroids and lubricating eyedrops post-operatively.

In view of the forgoing, as well as, the circumstance that the appellant was enlarged on interim medical bail by this Court vide order dated 12.10.2022 and is not stated to have misused the liberty granted to him on that occasion, the present application is allowed. The applicant is directed to be released and the sentence awarded to the appellant is suspended for a period of 10 days from the date of his release and he shall be enlarged on interim bail, subject to the following conditions:

1. The applicant/appellant shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties in the like amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate; further subject to the conditions that the appellant will furnish his mobile phone number in the personal bond which he will be using during the period of interim suspension of sentence, which phone number will be kept in active mode so that as and when required, he can be contacted.

2. The applicant/appellant shall provide his mobile telephone number in working condition to the S.H.O. of the concerned Police Station, at the time of his release on bail and shall not change the same, without prior intimation to this Court and also undertakes to keep the same operational, during the period of interim suspension of sentence and release on interim bail.

3. The appellant/applicant is also directed to furnish a discharge summary from the Chaudhary Eye Centre & Laser Vision in relation to the



proposed surgery to be undergone by him at the time of surrendering before the jail authorities.

4. The appellant/applicant shall not leave the jurisdiction of National Capital Territory of Delhi, without prior permission of this Court, during the period of interim bail.

5. Upon expiry of the period of interim suspension of sentence, the appellant/applicant shall surrender before the Jail Superintendent.

It is made clear that in the event, if the applicant/appellant does not undergo the proposed surgery on 07.12.2022, he shall surrender before the jail authorities immediately.

With the above directions, the application is disposed of.

A copy of this order be communicated to the Jail Superintendent, through electronic mail, for necessary information and compliance.

A copy of this order be also furnished to learned counsel appearing on behalf of the parties and also be uploaded on the website of this Court.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

DECEMBER 01, 2022/pa

[Click here to check corrigendum, if any](#)