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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 503/2024 and CRL.M.(BAIL) 1010/2024

SURESH KR. AGGARWAL, THROUGH –

PAIROKAR

..... Appellant

Through: Mr. Manohar Lal & Mr. Chaitanya
Rohilla, Advocates (M: 9971014581).

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Ritesh Kumar Bhari, APP with
Mr. Lalit Luthra, Adv.
(M: 8920515685 and 9910645959).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **02.07.2024**

1. This hearing has been done through hybrid mode.

CRL.M(BAIL)1010/2024

2. This is an application filed under Section 482 read with Section 389 of the Cr.P.C. by the Appellant/Applicant seeking interim suspension of sentence on medical grounds.

3. In terms of order dated 12.06.2024, the Medical Status Report dated 11.06.2024 from Senior Medical Officer, Dispensary, Central Jail No. 02, Tihar, New Delhi 110064, has already been filed, which shows that the Appellant/Applicant is suffering from various ailments. The relevant extracts of the status report read as under:

“With reference to subject cited above, as per



available medical records, it is submitted that inmate patient is lodged in CJ-02, Tihar since 06/04/2024. Inmate patient is a diagnosed case of type-II diabetes mellitus, hypertension, severe LV dysfunctional with coronary artery disease with triple vessel disease with fracture right forearm with bilateral hearing loss with acute kidney injury and is under regular follow up from jail on duty doctors, jail visiting specialist. Cardiologist at GB Pant Hospital, Nephrologist at Safdarjung Hospital, Orthopedican & ENT specialist at LNJP Hospital & DDU Hospital.”

4. Presently, the Appellant is admitted in Central Jail Hospital and is being provided treatment by various other hospitals, including DDU and LNJP.

5. In view of the medical condition of the Appellant/Applicant, the present application is allowed and the sentence awarded to the Appellant/Applicant is suspended till the next date of hearing. The Appellant/Applicant is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Trial Court/Link Court, further subject to the following conditions:

- i. The Appellant/Applicant shall not leave the country without prior permission of this Court;
- ii. The Appellant/Applicant shall intimate this Court as also the Investigating Officer by way of an affidavit regarding any change in residential address;
- iii. The Appellant/Applicant shall appear before this Court as and when the matter is taken up for hearing;
- iv. The Appellant/Applicant shall provide his mobile number to the



Investigating Officer and intimate about any change.

6. List on the date already fixed i.e., 25th July, 2024.
7. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
8. Order be uploaded on the website of this Court *forthwith*.
9. *Dasti*.

CRL.M .A. 16523/2024

10. The present application under Section 391(1) read with Section 482 of the Cr.P.C. seeks the following prayers:

*“i. Allow the present application by the appellant, and;
ii. Direct the additional evidences to be taken and permit the appellant to cross examine the PW-14 (Mr. Atul Gupta) and;
iii. Direct the additional evidences to be taken and permit the appellant to bring the statements of two children, Mr. Kartik & Mr. Naitik of the deceased & convict no.1 (Pradeep Aggarwal), on the record, and;
iv. Direct the additional evidences to be taken and permit the appellant to bring the statements of neighbors of the appellant-convict on the record, and;
v. Any other or further relief as this Hon’ble Court may deem fit in the facts and circumstances of the case may also be allowed in favour of the applicant.”*

11. Issue notice.
12. Learned APP for the State accepts notice.
13. Reply, be filed within four weeks. Rejoinder thereto, if any, be filed before the next date of hearing.
14. The Registry is directed to take urgent steps to requisition the Trial Court Record (hereinafter TCR) including the CD in FIR No. 864/2014, registered at P.S. Prashant Vihar from the concerned Trial Court. The said



TCR may be supplied to learned counsel for the parties after the same is received in these two appeals or in CRL.APPEAL No. 505/2024.

15. List on 25th July, 2024.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 2, 2024
nk/KS