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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1915/2016 and CrI. M.A. No. 14637/2016

POOJA GUPTA

..... Petitioner

Through: Mr. Arun Kumar & Mr. Raghav
Kumar Tiwari, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

14.12.2016

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The status report has been tendered in Court and taken on record.

The petitioner has preferred the present bail application under Section 439 Cr.P.C. to seek regular bail in case FIR No.141/2015 under Section 302/ 201/ 34 IPC registered at PS – Darya Ganj. The petitioner is in judicial custody since 02.03.2015.

Learned counsel for the petitioner submits that the medical condition of the petitioner is deteriorating in the jail. A report was called from the Jail Superintendent in this regard. In the said report, the petitioner was found to be a case of Benzodiazepine Dependence with Anxiety disorder and acne vulgaris. She has been receiving treatment for her ailments at the jail

hospital. The report also shows that she was also sent to DDUH ENT OPD on 13.10.2016 and the said hospital has advised Analgesic. She has also been shown for her decreased vision at the same hospital on 16.11.2016. The general condition of the petitioner is said to be stable and she is receiving all prescribed medicines from CJ-06 Dispensary. The submission of learned counsel for the petitioner is that the deceased died of over consumption of alcohol. He submits that the marks found on the neck of the deceased were in respect of the post-mortem conducted four days after her demise.

On the other hand, Ms. Kolluru submits that the charge-sheet in the present case shows that the police has carried out detailed investigation and there is ample evidence available on record to inculcate the petitioner.

It is further informed that examination of 18 witnesses is yet to be done. Out of these, 15 are stated to be independent witnesses. There is no medical literature produced on record to show that the post-mortem conducted after four days of demise cannot be relied upon particularly in respect of the marks found on the neck of the deceased. As per the said medical report, the possibility of the deceased having died on account of strangulation cannot be ruled out at this stage.

Considering the fact that a large number of public witnesses are yet to be examined, I am not inclined to grant bail to the petitioner at this stage. The Trial Court is directed to expedite the recording of evidence of the remaining witnesses, particularly the independent witnesses without any delay. Neither party shall seek nor be granted any undue adjournment by the Trial Court. It is hoped that the Trial Court shall record the prosecution evidence, particularly the independent witnesses in the next six months from

the next date of hearing. The petitioner shall also be regularly got examined at DDU Hospital or such other specialised hospitals as may be considered necessary for her ailments.

The petition stands disposed of.

VIPIN SANGHI, J

DECEMBER 14, 2016
B.S. Rohella