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

+ **BAIL APPLN. 743/2015**

**BIJENDER DAHIYA @ BIJAY**

..... Petitioner

Represented by: Mr. Harsh Prabhakar, Advocate  
(Amicus Curiae), Mr. Anirudh  
Tanwar and Mr. Jay. K.  
Bhardwaj, Advocates.

versus

**STATE OF NCT OF DELHI**

..... Respondent

Represented by: Mr. Hiren Sharma, APP for the  
State with ACP Shri K.P.  
Kukretti, Vasant Vihar,  
Inspector Sanjay Sharma and  
W/SI Saroj, PS Vasant Kunj,  
South.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**04.05.2017**

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1. By this petition the petitioner had sought regular bail in case FIR No.87/2011 under Sections 366/368/376 (1) (g) IPC registered at PS Vasant Kunj, South, Delhi on merits and on the ground of his ailments.
2. Since the petitioner was suffering from swelling in the left toe (planter aspect) and was a follow up case before the Jail Psychiatrist and surgery for the toe had been planned, this Court for the reason that earlier also on three occasions he was granted interim bail and the petitioner surrendered in time, granted interim bail to the petitioner for a period of two months vide order dated 22<sup>nd</sup> December, 2016.

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3. To check whether the petitioner has surrendered to custody this Court issued production warrants of the petitioner vide order dated 10<sup>th</sup> April, 2017.
4. A report has been received from the Deputy Superintendent, Central Jail No.3, Tihar informing that the petitioner was released on interim bail on 13<sup>th</sup> January, 2017 and was supposed to surrender on 10<sup>th</sup> March, 2017, however, he has not surrendered.
5. In view of the fact that on expiry of the period of interim bail the petitioner has not surrendered, the present bail application filed by the petitioner is dismissed.
6. Learned APP for the State on instructions submits that the learned Trial Court has already issued non-bailable warrants against the petitioner.
7. Learned Trial Court will proceed against the petitioner in accordance with law.

**MUKTA GUPTA, J.**

**MAY 04, 2017**  
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