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

+ **BAIL APPLN. 1024/2017**

NAKUL KHARI Petitioner

Through: **Mr.Aldanish Rein, Adv.**

versus

STATE Respondent

Through: **Mr.Panna Lal Sharma, APP for State**

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **04.09.2017**

This is an application under Section 439 Cr.P.C. filed on behalf of the petitioner seeking grant of interim bail for a period of three months in case FIR No.169/2010 & 170/2010, under Sections 302/120/201/216 IPC, registered at Police Station-Ashok Vihar, Delhi.

Learned counsel for the petitioner submits that the petitioner is an innocent person and allegations alleged in the aforesaid FIR is false. He has further submitted that the petitioner is suffering from tuberculosis from past 1 ½ years and the petitioner is in judicial custody for the last 7 years. He has further submitted that the petitioner is in the advanced stage of tuberculosis and prays that the petitioner be released on interim bail for a period of three months.

On the other hand, learned APP for the State has vehemently opposed the bail application and has submitted that the petitioner is facing trial in triple murder case. Learned APP has further submitted that the petitioner is

getting all the required medical treatment in Central Jail No.8/9 and the application for interim bail be dismissed.

A perusal of the report of Medical Officer (I/C), Central Jail Disp.-8/9, Tihar, New Delhi-110064 dated 31.08.2017 indicates that the petitioner is diagnosed with Tuberculous Lymphadenitis under DOTS on CAT-II and Lt. Renal calculus and is getting treatment under follow-up of AIIMS (I/D Clinic Medicine Department), Rajan Babu TB Hospital and Chest Clinic, Medicine, Surgery and ENT Department of DDU Hospital and doctors on duty at dispensary Central Jail No.8/9, Tihar, New Delhi-110064.

Looking into the facts and circumstances of the case and keeping in view the seriousness of the offence committed by the petitioner, I do not find it a fit case to grant interim bail to the petitioner at this stage. However, the concerned Jail Superintendent is directed to provide all the medical facilities along with proper diet as recommended by the Doctors in the light of the prolong illness of the petitioner.

The present petitioner is disposed of accordingly.

Copy of this order be sent to the concerned Jail Superintendent for necessary compliance. Compliance report be called from the concerned Jail Superintendent within a week and be placed on record.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

SEPTEMBER 04, 2017/sr