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

+ **BAIL APPLN. 1216/2017, CrI. M.A. No. 11415/2017**

NITIN CHAWLA

.....Petitioner

Through: Mr. Jitendra Sethi, and Ms. Anshika
Sethi, Advocates.

Versus

STATE NCT OF DELHI

....Respondent

Through: Ms. Anita Abraham, APP for the State with
Insp. Sushma Saxena P.S. Defence Colony.
Mr. Nitender Sharma Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

27.07.2017

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1. This is an application under Section 439 Cr.PC for grant of interim bail to the petitioner in case FIR No. 115/2016 under Section 498A/304B/34 IPC registered at Police Station - Defence Colony, filed in the month of June, 2017 on the ground of serious illness having been diagnosed, to be suffering from acute backache with PIVC i.e. Prolapsed Inter Vertebral Disc and also diagnosed with renal stone which is causing acute abdominal pain. The petitioner was also found to be suffering from acute depression and neurosis for which he is being treated inside the jail but his condition is not satisfactory.

2. While the said application was pending consideration, the petitioner moved another application on the ground that a fresh medical reports be called from the Superintendent Jail as the condition of the petitioner had deteriorated and he was discharging blood with urine and

required immediate surgery for the treatment of renal calculus.

3. A detailed status report by the Medical Officer IC, Central Jail Dispensary, Tihar New Delhi has been filed on 23.07.2017, wherein it has been stated that the petitioner has been diagnosed with Lumbar Spondylosis with Radiculopathy, left Renal Calculus with recurrent urinary tract infection Haemorrhoids and Insomnia and was getting treatment under follow-up with Department of Neurosurgery, Neurology and Psychiatry of G.B. Pant Hospital and the treating doctor had advised surgical intervention for Lumbar Spondylosis with Radiculopathy, left Renal Calculus.

4. The patient was referred to Deen Dayal Upadhyay Hospital on 22.09.2016 and again on 24.10.2016 and was taken for review to G. B. Pant Hospital on 25.01.2017. The MRI Lumbosacral Spine was done at Lok Nayak Hospital on 14.02.2017. The petitioner was again taken to G.B. Pant Hospital for review on 22.02.2017, 03.03.2017. On 10.03.2017 at the Neuro-surgery, Psychiatry OPD, the attending Neuro-Surgeon advised medications, physiotherapy etc.. The petitioner was again reviewed on 07.04.2017 in the Psychiatry OPD at G. B. Pant Hospital and advised medications. Another review was done on 09.06.2017 and the Neuro-Surgeon advised pre-operative investigations before Surgery for Lumbar Spondylosis with Radiculopathy and continued the same treatment and was reviewed in Psychiatry OPD at G. B. Pant Hospital on 30.06.2017. The petitioner was lastly reviewed on 17.07.2017 as he complained of pain abdomen in left flank region, blood in urine and burning micturation.

5. Undoubtedly, the petitioner has a medical problem but he is being taken to the G. B. Pant Hospital at short intervals for review of his medical condition. The attending surgeon had advised pre-operative investigations before surgery for Lumbar Spondylosis with Radiculopathy on 09.06.2017.

6. Keeping in view the facts and medical condition of the petitioner, the Superintendent Jail shall ensure that the patient is taken to G. B. Pant Hospital on 28.07.2017 so that the attending doctors can finalize the date of admission and surgery of the patient in the G. B. Pant Hospital.

7. With these directions, the petition along with pending application is disposed of. No case for interim bail is made out.

8. A copy of this order be given dasti under the signatures of Court Master.

9. A copy of this order be also sent to the Superintendent Jail for compliance through special messenger.

JULY 27, 2017
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SANGITA DHINGRA SEHGAL, J.