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

+ **BAIL APPLN. 1529/2017 & CRL.M.A. 12638/2017**

FIRUDAUSH

..... Petitioner

Through : Mr.Gaurav Sahrawat, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Kewal Singh Ahuja, APP for the
State with SI Vikas Rana, PS
Fatehpur Beri.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

08.08.2017

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1. The petitioner has filed this application under Section 439 CrPC seeking his release on interim bail in case FIR No.578/2016 under Section 302/201/34 IPC, PS Fatehpur Beri, on the following grounds:-

(i) The father of the petitioner/accused is suffering from heart ailment and has already suffered minor cardiac arrest on 16.6.2017;

(ii) Various investigation are under way and cost of the treatment is about 5 to 6 lakhs and the petitioner is the only person to take care of his father;

(iii) The mother of the petitioner is suffering from hypertension and diabetes and she also needs proper care and medical treatment;

(iv) The petitioner/accused himself is suffering from epilepsy and needs regular treatment as he is having regular seizures and trauma.

3. The bail application seeking interim bail has already been dismissed by learned ASJ on 17.7.2017.

4. The status report has been filed by the State.
5. Learned ASC for the State has placed on record a copy of the order dated 12.7.2017 in Bail Application No.1070/2017 which was with identical prayer and has been dismissed as withdrawn, with liberty to the petitioner to file the same as and when deemed appropriate.
6. On 17.7.2017, the prayer of the petitioner seeking interim bail has been declined by the learned ASJ for the following reasons:-

“The main ground of pressing the present interim bail application is the cardiac arrest suffered by the father of the accused. The discharge summary dtd.16.6.2017 of Max Healthcare suggests that Sh. Sheikh Wasi was admitted in the hospital on 16.6.2017 and the same day discharged after certain tests. The father was advised for admission for further evaluation, however, he did not prefer admission and taken discharge against medical advise. Furthermore, there are other family members to take care of the accused. Ld. Counsel for the accused during arguments further submitted that the accused has withdrawn his application for bail before the Hon'ble High Court. In view of the above, no ground for interim bail made out. Hence, interim bail application of accused Salman stands dismissed.”

7. Learned ASJ has already taken note of the fact that there are other family members to take care of the father of the petitioner/accused and that after the father of the petitioner was taken to hospital and discharged on the same day, further investigation could not be conducted as he preferred not to seek admission to undergo further investigation.
8. Taking into consideration the nature and gravity of the offence in which the petitioner is involved, illness of the father of the petitioner, though may be a matter of record, release of the petitioner on interim bail is not required for further investigation of the father of the petitioner. Similarly,

merely because, the petitioner is suffering from epilepsy, in itself is no ground to release him on interim bail.

9. The bail application is dismissed.

PRATIBHA RANI, J.

AUGUST 08, 2017

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