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

+ CRL.M.C. 3570/2017

HASEENA KHATOON

..... Petitioner

Through: Mr.K.Prabhakara Rao, Advocates.

versus

STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Harendra Singh, PS
Kotwali.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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14.09.2017

CrI.M.A. No.14530/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. The petitioner has filed the instant petition under Section 440(2) Cr.P.C. read with Section 482 Cr.P.C. with the prayer that the order dated 18th August, 2017 passed by learned Special Judge in Session Case No.27534/2016 may be modified and she may be ordered to be released on personal bond.
2. Heard.
3. Perusal of the record reveals that vide order dated 21st March, 2017, the learned Special Judge granted bail to the petitioner on her furnishing

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personal bond and surety bond in the sum of ₹35,000/- each. Thereafter the petitioner moved an application before the learned Trial Court praying for dispensing with the condition of furnishing a surety bond for the reason that she has six children i.e. five daughters and one son and since her eldest daughter has run away and her husband is suffering from tuberculosis, the younger children cannot arrange for surety.

4. Vide impugned order dated 17th August, 2017, the learned Trial Court modified the bail order dated 21st March, 2017 to the following extent:-

‘.....It is true that the applicant/accused was granted bail vide order dated 21.03.2017 and could not be released in terms of non-arrangement of surety, but the dispensing with the condition of surety bond cannot be done, however, in the interest of justice, the order dated 21.03.2017 is modified to the extent that the surety bond amount is reduced to ₹15,000/- in place of ₹35,000/- and other conditions shall remain the same.’

5. Still feeling aggrieved by the order modifying the conditions of the bail order dated 21st March, 2017, the petitioner has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. In the petition, in para 4, the petitioner has alleged that her husband Rafiq aged about 35 years has been hopelessly bed-ridden with T.B. and hospitalised and is continuously vomiting blood. He cannot move from bed even to attend the natural call and his days, as per medical opinion, are numbered. Her husband is being nursed by her second daughter Rani aged about 12 years due to which Rani has been exposed to TB and she also became victim of this terrible scourge and facing the problem of collection of water in her rib bone.

6. Alongwith the petition, the petitioner has also annexed the medical papers of her husband, which disclose otherwise. The document at page

No.29 is the Referral for Treatment Form dated 7th July, 2017 of husband of the petitioner namely Mohd. Rafiq aged about 36 years, by Revised National TB Control Programme, National Capital Territory of Delhi wherein, in the column 'Type of Patient', it is mentioned as 'New'. At page No.30, there is a discharge slip showing the date of admission as 19th June, 2017 and date of discharge as 7th July, 2017. This discharge summary does not reveal the critical condition of Mohd. Rafiq as claimed in para 4 of the petition. The Lab Test Result at page No.31 in respect of Lab Serial No.1294/17 (name of patient is not mentioned) shows the result in respect of examination of Mucopurulent and Saliva to be 'Negative'.

7. In the above circumstances, there is no ground to interfere with the order impugned in exercise of inherent jurisdiction vested in this Court under Section 482 Cr.P.C.

8. Petition is dismissed.

PRATIBHA RANI, J.

SEPTEMBER 14, 2017

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