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

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Judgment delivered on: 13.07.2018

+ BAIL APPLN. 1565/2016

MANZOOR HASAN

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Ravi Kant Kaushal with Mr. Ashok Kumar,
Advocates.

For the Respondent : Ms. Neelam Sharma, APP for the State.
ASI Tulli Ram, PS Badar Pur.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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13.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Medical Report has been received from the superintendent Jail dated 12.07.2018. The same is taken on record.
2. Petitioner seeks regular bail in FIR No.50/2015 under Section 376 IPC and section 4/8 POCSO, Police Station Badarpur. The petitioner has been in custody since 21.01.2015.
3. The petition has been filed by the petitioner through his son as

paikar. It is alleged in the petition that the petitioner is aged 98 years. It is contended that the petitioner is suffering from Senile Dementia and is not in his senses and is not aware of his whereabouts.

4. A report was called from the Superintendent (Jail). The Superintendent (Jail) has submitted reports dated 01.06.2018 and 12.07.2018. It is mentioned in the report that the petitioner was examined by the Jail Psychiatrist and he exhibited symptoms of forgetfulness and poor self-care. On examination, he was found unkempt and untidy and is not oriented to time, place, person and his personal care was significantly reduced. The score of mini-mental examination was found to be below normal. The petitioner was diagnosed provisionally as a case of Senile Dementia.

5. In the report dated 12.07.2018, it is stated that MRI brain with contrast was done of the petitioner, which revealed cerebral atrophy, white matter ischemic change and small area of gliosis in bilateral insular cortex.

6. The daughter of the petitioner is present in Court in person. She submits that she stays in a joint family and there are family members who can take care of the petitioner.

7. Keeping in view the medical condition of the petitioner and that he is suffering from Senile Dementia, Cerebral Atrophy, further incarceration of the petitioner is not warranted in the facts and

circumstances of the case. There is no possibility of the petitioner absconding, tampering with evidence or interfering in the trial.

8. Keeping in view the medical condition of the petitioner, I am of the view that the petitioner be enlarged on bail.

9. Accordingly, on petitioner furnishing two sureties in the sum of Rs.25,000/- each to the satisfaction of the Trial Court, the petitioner be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not contact the prosecutrix or her family members.

10. The petition is disposed of in the above terms.

11. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 13, 2018
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