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

+ **BAIL APPLN. 147/2019**

RAMESH KAKKAR

..... Petitioner

Represented by: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Lalit Valecha, Adv.

versus

STATE (GNCT OF DELHI)

..... Respondent

Represented by: Mr. Saleem Ahmed, SPP with Ms.
Charu Dalal, Adv. with Insp. Bharat
Singh PS Jamia Nagar.
Mr. Anand Mishra, Mr. Aditya
Vikram, Adv. for complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.03.2019

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1. By this petition the petitioner had sought interim bail on the ground that he has to undergo open heart surgery. On 21st January, 2019 this Court had issued notice in the petition and vide order dated 12th February, 2019 permitted the petitioner to get the surgery performed as desired at Medanta. Pursuant thereto the petitioner was admitted in Medanta Hospital 5-6 days prior to 26th February, 2019, the date of surgery and since then the petitioner is in Medanta Hospital in custody with Police in plain clothes.

2. The issue now remains is post-operative care of the petitioner, specifically that there may be chances of infection for which 30 days period

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is crucial. The petitioner having been in hospital since 26th February, 2019 has already spent near 16-17 days in a sterile atmosphere in the hospital and was slated to be discharged on 13th March, 2019 but has not been got discharged till date as maintaining sterile condition in jail would not be easy.

3. Learned counsel for the petitioner states that the petitioner be permitted to recover at his residence with Police in plain clothes around him. Learned Special PP for the State submit that the stay of the petitioner can be extended in the hospital with petitioner being in custody with Police officers in uniform.

4. Having considered the rival contentions and the fact that the petitioner is allegedly involved in a gruesome murder which came to have been hatched at his instance, though this Court is not inclined to grant interim bail to the petitioner, however considering the fact that the petitioner has undergone open-heart surgery and needs further period to recover especially the initial period of one month where he has to take care that he does not get infected, this Court permits that on discharge from Medanta Hospital, the Superintendent Jail will shift the petitioner to his residence with two Head Constables round the clock outside the room of the petitioner. During this period of stay of further two weeks at his residence, the petitioner will not be permitted by the two Constables to meet anyone except his family which would include his wife, his son and the father who can attend to his needs. On completion of two weeks, the petitioner will be taken back to Jail, where necessary follow up as directed by the doctors at the time of discharge or thereafter is carried. .

5. The wife of the petitioner who is present in Court states that a CCTV

has been installed at the entry gate of the bungalow of the petitioner. CCTV coverage during this period will be preserved by the petitioner's family. During the course of his stay at home, the two Head Constables will ensure that the petitioner does not have any access to mobile phone or a laptop or any third person except as noted above.

6. Petition is disposed of.

7. Copy of this order be also conveyed to Superintendent Tihar Jail for making necessary arrangements. The investigating officer will convey this order to the MS Medanta Hospital, SHO Jamia Nagar and SHO C.R. Park. SHO C.R. Park will keep necessary vigil outside the house of the petitioner. Charges of the two Head Constables round the clock posted outside the room of the petitioner will be borne by the petitioner himself.

8. Order dasti under the signature of Court Master to State as well as petitioner.

MUKTA GUPTA, J.

MARCH 15, 2019
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