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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 652/2019**
DEEPAK DHANKHAR @ MANDU Petitioner
Represented by: **Mr. Dinesh Mudgil, Advocate.**

versus

THE STATE Respondent
Represented by: **Ms. Rajni Gupta, APP with Insp. Vipin.**

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **15.03.2019**

By this petition, the petitioner seeks interim bail on the ground that the surgery of his father initially fixed for 11th March, 2019 which was then postponed to 14th March, 2019.

A status report has been handed over by learned APP for the State. As per the status report, the medical documents of the petitioner's father has been verified and he is presently admitted in Anand Hospital, Najafgarh having been diagnosed of fever with plasmodium falciparum positive with U.T.I and Benign Prostate hyper trophy. Surgery of the petitioner's father to be performed was transurethral resection of prostate (TURP) which was initially fixed for 11th March, 2019 and then postponed to 14th March, 2019 because the petitioner's father developed hypertension.

The verification report also states that the father of the petitioner did not get his surgery done on 14th March, 2019 as he had no post-operative care taker. It is thus evident that the father of the petitioner is postponing the

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surgery for the petitioner to come out.

A perusal of the status report also reveals that the petitioner has been identified to be one of the assailants who gave the gun shot injury to the deceased Shri Kishan on 29th January, 2017. In view of the threat perception to the eye witness and other witnesses pursuant to the order of Delhi Legal Services Authority round the clock security has been provided to the eye witness as well as the other witness Smt. Rama who is yet to be examined before the learned Trial Court.

Considering the nature of allegations against the petitioner and the stage of trial, this Court does not find it fit to grant interim bail to the petitioner, however, to ensure that the surgery of the petitioner's father is performed, this Court deems it fit to direct that the petitioner be sent to the Anand Hospital from 8:00 A.M. to 8:00 P.M. in custody on 17th and 18th March, 2019 to be present at the time of surgery and to take post-operative care of his father. In case surgery of petitioner's father is not performed on the 17th March, 2019, he need not be taken to the hospital on 18th March, 2019.

Petition is disposed of.

Copy of this order be sent to the Superintendent, Tihar Jail to take necessary action thereon.

Order dasti to learned counsel for the petitioner and State.

MUKTA GUPTA, J.

MARCH 15, 2019
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