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

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Judgment delivered on: 31.05.2019

+ BAIL APPLN. 1268/2019

GEETA ARORA @SONU PUNJABAN

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. R.M. Tufail, Ms. Astha, Mr. Farooq Chaudhary, Mr. Equebal Nasir and Ms. Naahid Naasir, Advs.

For the Respondent: Ms. Meenakshi Dahiya, Addl. PP for the State with SI Gulshan Kumar
Dr. Anita Rani, Medical Officer, Tihar Jail, CJ-06

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks interim bail for a period of two months in case FIR No. 104/2014 under Sections 363/366/328/366-A/342/370/370A/372/373/376/34/120-B of the IPC and Sections 4/6/10/17 POCSO Act and Sections 3/4/5/6 ITP Act, Police Station Najafgarh.

2. Learned counsel for the petitioner submits that the charge

against the petitioner has been framed under Sections 363/366/328/366-A/342/370/370A/372/373/376/34/120-B of the IPC and Sections 3/4/5/6 ITP Act.

3. Petitioner seeks interim bail on the ground that petitioner is a suspected case of Cancer and it was so suspected in the Cancer Medical Camp which was held in jail in March 2019.

4. Learned counsel for the petitioner submits that despite the petitioner being on medication/treatment in jail, there is no improvement in her condition and jail authorities for about three months has not been able to determine conclusively as to whether the petitioner actually suffers from Cancer or not.

5. Several reports have been received from the jail authorities. The medical report indicates that in her cytopathology report ASCUS (Atypical Squamous Cells of Undetermined Significance) was found and she was referred to Government Hospital for further management. The petitioner was examined in DDU Hospital, however, the reports were normal. The petitioner was thereafter reviewed on 09.05.2019 in DDU Hospital, Gynae Department and was advised medicines and planned for cervical biopsy and VIA and it was advised that biopsy would be done after withdrawal bleeding and after that patient could be referred to Higher Centre.

6. By order dated 21.05.2019, Superintendent Jail was directed to

have the petitioner immediately examined from Rajiv Gandhi Cancer Institute/Safdarjung Hospital/AIIMS. Thereafter the matter was listed on 27.05.2019. Fresh status report was filed but it was silent as to whether the petitioner was examined at the aforesaid hospitals or not. The matter was adjourned to 30.05.2019.

7. On 30.05.2019, it was reported that the petitioner had been taken to AIIMS on 29.05.2019, when she was directed to report again on 28.06.2019. Medical officer, Central Jail, Tihar was directed to be personally present in Court.

8. Medical Officer – Dr. Anita Rani is present. She submits that the case history along with medical records of the petitioner was referred to AIIMS and as per their procedure they have given a date of 28.06.2019 for her examination. Medical Officer further submits that the medication for treatment for withdrawal bleeding has been started and thereafter biopsy test can be conducted.

9. Learned counsel for the petitioner submits that in case petitioner is suffering from Cancer, then delay of one month in examination and consequent commencement of treatment could be fatal. He further submits that the petitioner has earlier also been released on interim bail in BAIL APPLN. 2488/2018 by order dated 23.10.2018 and by order dated 23.01.2019 in BAIL APPLN. 67/2019 and petitioner duly surrendered after expiry of the periods granted by the Court.

10. The petitioner was earlier released on interim bail and there is nothing on record to suggest that the petitioner had violated the bail conditions or failed to surrender as per the orders.

11. Keeping in view the facts and circumstances and also the fact that the petitioner had also earlier been granted interim bail and she had not misused the liberty granted, I am of the view that interest of justice would be served if petitioner is granted interim bail for a period of four weeks.

12. Accordingly, subject to petitioner furnishing a bail bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner is directed to be released on interim bail for a period of four weeks from the date of her release. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall surrender to the concerned Superintendent Jail on expiry of the period of four weeks of her release.

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

14. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 31, 2019

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