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

+ **BAIL APPLN. 2974/2019**

GAURAV MEHTA

..... Petitioner

Through: Mr. Hemant Gulati and
Mr. Hemendra J., Advs.

versus

NARCOTICS CONTROL BUREAU

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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05.02.2020

CRL. M.A. 41613/2019

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2974/2019

Present petition is filed under Section 439 Cr.P.C. seeking grant of interim bail against the order dated 21.11.2019, whereby the application for grant of interim bail of the petitioner was dismissed.

As per the status report filed by the respondent, it is stated that previously, the patient, Renu Mehta, mother of petitioner was being examined at Lok Nayak Hospital, New Delhi and when the petitioner was not able to get a favorable report, they got the patient examined from Khetarpal Memorial Nursing Home New Delhi which is not a specialized hospital for kidney treatments and is not a better Hospital than Lok Nayak Hospital.

As per the report received from Khetarpal Memorial Nursing Home New Delhi, no surgery of the patient was advised and the treatment is life-long.

It is not in dispute that co-accused, namely, Pulkit Kumar was granted bail on 30.05.2019 by the trial Court.

The petitioner seeks grant of interim bail on the ground that his mother – Smt. Renu Mehta is diagnosed to be suffering from dysfunction of the kidney which has resulted in setting up of acute hydronephrosis with increase of urea level in the blood causing multiple episodes of vomiting, loss of appetite and further damaging the functioning of the kidney. The mother of petitioner reported to LNJP Hospital where she has been advised for admission but there is no responsible male member besides the petitioner in the family to look after and take care of the widowed mother of petitioner. Petitioner has a child, who is aged about 1 year and is needed to be looked after by the wife of the petitioner. It is further submitted that the wife of the petitioner is also suffering from acute depression and is getting treatment from IHBAS, which is evident from the medical certificates placed on record.

It is also not in dispute that the petitioner has earlier been granted interim bail on the ground of illness of his mother as well as illness of his wife by the Ld. Trial Court on few occasions and the petitioner has never abused the said concession.

Therefore, keeping in view the condition of the mother of petitioner at present is very precarious and needs immediate hospitalization, otherwise, there will be danger to her life, I am of the opinion that present case is fit for grant of interim bail.

Accordingly, I hereby grant interim bail for a period of six weeks on his furnishing personal bond in the sum of ₹15,000/- with one surety of the like amount to the satisfaction of the Trial Court. It is made clear that no further extension on whatsoever reasons shall be granted to the petitioner.

Petition stands allowed and disposed of accordingly.

Order *dasti* under signatures of the Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance.

SURESH KUMAR KAIT, J

FEBRUARY 05, 2020

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