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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 648/2020**

RAJESH DATTA @ RAJ Petitioner
Through: Ms. Sushma Sharma & Mr. Girish
Kumar Sharma, Advocates.

versus

THE STATE Respondent
Through: Mr. Kewal Singh Ahuja, APP for
State with SI Prabhash Kr. Singh,
Special Cell.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

% **ORDER**
06.03.2020

The applicant seeks the grant of interim bail for a period of two months submitting to the effect that the applicant's wife is to be treated for removal of uterus.

Vide order dated 05.03.2020, the status report was called for from the State. The status report that has been submitted on behalf of the State indicates that the treating doctor of the applicant's wife has informed that she is required to be admitted for removal of the uterus.

The prayer is however, vehemently opposed on behalf of the State submitting *inter alia* to the effect that there is an embargo of Section 37 of the NDPS Act, 1985 with a commercial quantity of ***Ketamine*** having been recovered from the petitioner allegedly apart

from *tramadol* tablets. It has also been submitted on behalf of the State that the petitioner has previously availed the grant of interim bail as detailed in the status report to the effect:-

<i>S. No.</i>	<i>Date</i>	<i>Grounds</i>	<i>Period availed</i>
01.	13.03.2019	Anemia & proposed operation of Piles of wife.	3 weeks
02.	03.04.2019	Operation conducted on 20.03.2019, discharged from hospital on 25.03.2019, for further take care of wife.	02 weeks
03.	16.04.2019	Heavy & severe infection & heavy bleeding, admitted on 12.04.2019 for reoperation proposed on 17.04.2019	02 weeks
04.	30.04.2019	Operated on 20.04.2019, bed rest for one month	02 weeks
05.	14.05.2019	Proper care of wife	03 weeks
06.	03.06.2019	Heavy infection of uterus & heavy bleedings	04 weeks
07.	30.06.2019	Surgery for removal of fibroid was conducted on 28.06.2019, infection of fibroid in uterus and heavy bleeding	01 week

It has further been submitted on behalf of the State placing reliance on the observations in the order dated 03.03.2020 of the learned Special Judge, NDPS to the effect that the petitioner is a British Citizen and may leave the country and that the petitioner having been previously availed the grant of interim bail repeatedly has misutilizing the grant of the same for the aliment of his wife. It has further been submitted on behalf of the State that as per the proceedings dated 03.03.2020 before the learned Trial Court, it is indicated that there is a real brother-in-law and sister-in-law of the

applicant's wife who can take care of her.

On behalf of the applicant, it has been submitted that he has only an extended family here and that the parental family of the applicant's wife are all British Citizens and that there is in fact no one to look after the petitioner's wife who is in Delhi. It has also been submitted on behalf of the petitioner that at no previous stage, the applicant had been granted interim bail qua the present ailment of his wife which is the removal of uterus. It has also been submitted on behalf of the applicant that the embargo to the grant of interim bail in terms of Section 37 of the NDPS Act, 1985 would not be applicable.

In reply to a specific Court query, it is informed by the Investigating Officer that the passport of the petitioner has already been seized and is placed on the Trial Court Record.

On a consideration of the submissions that have been made on behalf of either side, it being apparent that the applicant's wife has to be operated upon for the removal of uterus as vouched through the status report submitted, qua which the applicant had previously never been released on interim bail, it cannot be observed to the effect that there has been any misutilization of the grant of interim bail for treatment of the spouse of the applicant.

Taking the totality of the circumstances into account, the applicant is allowed to be released on interim bail for a period of 20 days from the date of his release on his filing a bail bond in the sum of Rs.2,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with directions that he shall not leave the

city, shall not tamper with the evidence in any manner and shall surrender on the 20th day of his release before the Superintendent Jail, Delhi concerned.

The intimation be sent to the FRRO and to all Airport Authorities that the petitioner shall not leave the country.

The application stands disposed of.

Copy of the order be given Dasti under the signatures of the Court Master.

ANU MALHOTRA, J

MARCH 06, 2020

'neha chopra'