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via Video-conferencing

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

+ **BAIL APPLN. 793/2020 & CRL. M.A. Nos. 7338-39/2020**

YASHPAL UPPAL

..... Petitioner/Applicant
Through: Mr. Sumit Choudhary,
Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent
Through : Ms. Asha Tiwari, APP for
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **09.06.2020**

CRL. M.A. Nos. 7338-39/2020 (for exemption)

Exemptions are granted, subject to just exceptions.

The applications stand disposed of.

CRL. M.A. No. ____/2020 (to be numbered)

Registry is directed to number this application.

2. This application has been moved by the applicant seeking extension of interim bail granted to him by order dated 27.04.2020 for a period of 45 days on medical grounds. The main reason for grant of interim bail was that, as per the advice of doctors, the applicant was to undergo plastic surgery on his right thumb, which had been amputated

earlier. At that stage, the applicant had also urged that he was a patient of hypertension and diabetes; and especially in view of the surgery he had undergone, he was a high-risk person in prison in times of the prevalent pandemic.

3. By way of the present application, the applicant seeks extension of the interim bail granted to him *vidé* order dated 27.04.2020 on the ground that the plastic surgery, that he was to undergo to prevent infection from spreading to other parts of the body, could not be performed since during the pandemic, hospitals were not taking-up surgeries that were not urgent.
4. It is further stated in the application that since the applicant suffers from several co-morbidities, his family doctor had also advised him not to visit any hospital and not to go-in for the required plastic surgery at this time.
5. Mr. Sumit Choudhary, learned counsel appearing for the applicant states that the interim bail granted by order dated 27.04.2020 is expiring on 10.06.2020 and the applicant is required to surrender on 11.06.2020 ; however, since the situation of the pandemic has not changed; that more cases are being reported every day from the prisons; and also that the purpose for which interim bail was granted has not been served, the interim bail granted to the applicant be extended for another period of 45 days.
6. Mr. Sumit Choudhary also places reliance on order dated 09.05.2020 made by a Division Bench of this court in W.P.(C) No. 3080/2020 titled as ***Court on its Own Motion vs. Govt. of NCT of Delhi & Anr.***, whereby interim bail orders granted to similarly placed undertrial

prisoners by Subordinate Courts, were extended for a period of 45 days.

7. Issue notice.
8. Ms. Asha Tiwari, learned APP appears on advance copy; and accepts notice on behalf of State. She submits that apart from what is averred in the application, by order dated 15.05.2020 made by a Full Bench of this court in W.P.(C) No. 3037/2020 titled ***Court on its Own Motion vs. State & Ors.***, the Full Bench has also issued directions to the same effect extending interim orders, including interim bail orders, in view of the limited functioning of courts. Ms. Tiwari states that keeping in view the policy indicated by the Full Bench, the State has no objection if the interim bail granted to the applicant is extended.
9. In view of the above and considering the applicant's medical condition ; and the fact that he has still to undergo plastic surgery which understandably was not performed due to the prevalent pandemic and the presently over-burdened health-care system, it is directed that the *interim* bail granted to the applicant *vidé* order dated 27.04.2020 shall stand extended for a further period of 45 (forty-five) days counted from the expiry of the earlier interim bail period. However, the extension of *interim* bail shall be subject to the following conditions :
 - (i) The personal bond furnished by the applicant in the sum of Rs.50,000/- earlier shall stand applied to the extended period of interim bail. In addition thereto however, the applicant shall furnish 1 (one) surety of the like amount from a family member to the satisfaction of the Jail Superintendent, within a period of

1 (one) week from today;

- (ii) The applicant shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;
 - (iii) The applicant shall make a video-call every Friday between 11 am and 11:30 am to the Investigating Officer, and in case the Investigating Officer is not available, then to the SHO PS : Uttam Nagar (South-West) and also 'drop-a-pin' on Google Maps, so that the IO/SHO can verify the applicant's presence and location. Counsel for the applicant has confirmed that the applicant has the wherewithal to comply with this condition;
 - (iv) The applicant shall furnish to the Investigating Officer/SHO a cellphone number on which the applicant may be contacted and shall ensure that the number is kept active and switched-on at all times ;
 - (v) If the applicant has a passport, he shall surrender the same to the Jail Superintendent;
 - (vi) The applicant shall not contact nor visit nor threaten nor offer any inducement to the first informant/complainant or any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the matter ;
 - (vii) Upon expiry of the period of interim bail, the applicant shall surrender before the concerned Jail Superintendent.
10. A copy of the order be sent to the Jail Superintendent.
11. The application stands disposed of in the above terms.

BAIL APPLN. No. 793/2020

12. The bail application already stands disposed of *vidé* order dated 27.04.2020.

ANUP JAIRAM BHAMBHANI, J.

JUNE 09, 2020

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