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

+ **BAIL APPLN. 810/2020**

KAVI ARORA

..... Petitioner

Through Mr Sudhir Nandrajog, Senior Advocate.
Mr Ranjit Singh Randhawa, Advocate.

versus

STATE OF NCT OF DLEHI

..... Respondent

Through Mr Rahul Mehra, Standing Counsel for
State with Ms Neelam Sharma, Advocate.
Mr Arnurag, Advocate.
Mr Mohit Mathur, Senior Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.05.2020

CRL. M.A. 5954/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“Release the applicant Kavi Arora S/o Sh. Kamal Arora on interim bail for at least 8 weeks in FR No. 50/2019 PS EOW U/s 409/420/120B IPC on such terms as may be deemed fit.”

4. The petitioner states that his health condition has deteriorated in the jail and he requires to be released to seek proper medical treatment.

5. Mr Nandrajog, learned Senior Counsel appearing for the petitioner states that the petitioner has lost 20 Kgs of body weight since he was placed in judicial custody and the same raises serious concerns about his health. He submits that the petitioner has had to visit the jail dispensary on several occasions and this indicates that his condition is precarious. He also referred to medical advice dated 22.04.2020 secured by the petitioner's wife from the doctor who was earlier treating the petitioner. The substance of the said report is that the petitioner's weight loss is a symptom that raises concerns about his health. It is also pointed out that he has been suffering from recurrent infections and it is thus necessary to carry out necessary tests and investigations to diagnose his ailment(s).

6. The status report has been filed which indicates that the weight loss suffered by the petitioner is not serious as he was overweight when he was placed in custody. It is stated that his current weight is commensurate with his height and he is not underweight. The report also indicates that the petitioner had suffered from certain ailments and was treated. This report also indicated that currently his medical condition is being investigated and preliminary test report indicates that his blood parameters are outside the normal range. The said tests also indicate that the petitioner may be suffering from infection(s). It is also reported that further tests are being conducted and the final report is awaited. The petitioner has been medically examined and investigations for a proper diagnosis are being carried out.

7. Considering that the petitioner is being afforded the necessary medical treatment within the Jail premises, this Court does not consider it apposite to accede to the petitioner's prayer at this stage.

8. During the course of arguments it was also suggested that the

petitioner be shifted to Tihar Jail and kept in isolation for the reason that the Tihar Jail is closer to the Central Hospital and keeping him in isolation would mitigate any risk of infection from other inmates. However, this suggestion is not acceptable to the petitioner. Mr Nandrajog, states that the same would result in the petitioner going into depression.

9. In view of the above, this Court directs that the jail authorities to carry out the necessary medical investigation within a period of two weeks and if necessary the petitioner may be examined at any of the Super Speciality Hospitals. His medical report shall be communicated to the petitioner. In the event any dietary recommendations are made by the concerned doctors the jail authorities shall ensure that the same are followed; if necessary at the cost of the petitioner (as volunteered on his behalf).

10. It is also clarified that the petitioner is not precluded from approaching this Court if his medical issues are not adequately addressed.

11. The petition is disposed of in the above terms

VIBHU BAKHRU, J

MAY 08, 2020

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