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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 980/2020
ARSALAN ALI ... Petitioner
Through: Mr.Bharat Dubey, Advocate

versus
STATE, NCT OF DELHI ... Respondent
Through: Mr.Izhar Ahmed, APP for State

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
08.06.2020

1. This hearing is conducted through video-conferencing.
2. This petition is filed under section 439 Cr.P.C. for grant of interim bail for a period of two months to enable the petitioner to get urgent treatment for his worsening ENT problem.
3. I have already noted the medical report filed by the Jail Superintendent, Tihar by order dated 29.05.2020. The relevant portions read as follows:

“4. The Superintendent, Central Jail Tihar has filed a medical report. The medical report states that the petitioner was examined by visiting ENT Specialist and the final diagnosis was *Mastoidectomy with transcanal Atticotomy with Type II Tympanoplasty*. However, the report concludes that the general condition of the petitioner is stable and all the prescribed medications were being provided to him from the jail dispensary itself.”

4. On 29.05.2020, a direction was passed to take the petitioner to All India Institute of Medical Sciences(*hereinafter referred to as the 'AIIMS'*) to be examined by a senior doctor of ENT Department. This direction was subject to opinion of AIIMS regarding safety issue. It

appears that the AIIMS has taken a stand that it is an only COVID-19 hospital and not in a position to examine the petitioner.

5. At this stage, learned counsel for the petitioner submits that the petitioner may be released on interim bail for 45 days in view of the fact that he is eligible under the guidelines/minutes of the High Powered Committee dated 18.05.2020.

6. The matter pertains to offences under sections 395/397/412/120B IPC read with sections 25/27 of the Arms Act. The charges were framed on 17.01.2018 under sections 395/120B/412/ IPC.

7. It has been pointed out by the learned counsel appearing for the State that the nominal roll has been filed. The petitioner has spent 2 years 10 months and 8 days in custody. The conduct is stated to be satisfactory.

8. Keeping in view the current pandemic and the facts and circumstances of the case, the petitioner is released on interim bail for a period of 45 days from the date of his release on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar and subject to following conditions:

- i) he will provide his mobile number at the time of his release to the Jail Superintendent/SHO of the concerned Area, which shall be kept in working condition at all times and shall not be changed;
- ii) he will not in any manner seek to tamper with the evidence or threaten or contact in any manner the prosecution witnesses.
- iii) he shall not leave the jurisdiction of the National Capital Territory of Delhi without prior permission of the concerned

court;

iv) he shall duly surrender at the end of the suspension period; and

v) before the release of the petitioner and also at the time of surrender, all the precautions, which have been recommended by the High Powered Committee in view of the Pandemic, shall be observed by the Jail Authorities.

9. A copy of this order be sent by the Registry by e-mail to the Jail Superintendent, Tihar for information and necessary compliance.

10. With the above directions, the petition is disposed of.

JAYANT NATH, J.

JUNE 08, 2020/v