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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 1000/2020
BALDEV SINGH Applicant
Through: Mr. S.N. Shukla, Adv.

versus

STATE OF DELHI (N.C.T OF DELHI) Respondent
Through: Mr. M.P. Singh, APP for State with
SI Sudeep Kumar, PS Bindapur.
Mr. Rajeev Kapoor, Adv. For
complainant.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **08.06.2020**

The applicant vide the present application seeks grant of interim bail for a period of 45 days in relation to the FIR No.268/2019, PS Binda Pur, under Sections 458/394/395/412/120B of the Indian Penal Code, 1860 submitting to the effect that he has been incarcerated since 05.04.2019 and has submitted further that he is a chronic patient of diabetes and sugar and that he apprehends danger to his health in view of his present incarceration in Delhi due to present pandemic.

The medical status report and the nominal roll were called for from the Superintendent Jail, Delhi. Though the medical status report of the applicant has been received, the nominal roll has not been received.

In reply to a specific Court query, however, the learned APP for the State has informed on instructions from SI Sudeep Kumar, Investigating Officer of the case that there are no previous adverse antecedents against the applicant.

The medical status report dated 05.06.2020 that has been received from the Medical Officer Incharge, Central Jail Hospital & Dispensary, Central Jail states to the effect that the inmate is a known case of uncontrolled Diabetes Mellitus Type-II, Hypertension, Coronary Artery Disease, Left Frozen Shoulder and Cervical Spondylosis with Radiculopathy and is also suffering from difficulty in breathing, left sided chest pain on walking, numbness in both hands, inability to make movements at left shoulder joint, neck pain and multiple joint pains for which he is receiving symptomatic treatment but there is not improvement further and that the applicant cannot be presently reviewed by the concerned specialists of higher centres in view of ongoing COVID-19 pandemic and restrictions on inmates' movement to prevent spread of infection in jail.

It is apparent through the medical status report that has been submitted by the Superintendent Jail, Delhi that the applicant thus needs medical treatment.

On behalf of the State and on behalf of the complainant, the application is opposed however submitting to the effect that the allegations levelled against the applicant are grave. It is also submitted on behalf of the State that there has been a recovery of Rs.40 lakhs from the applicant. On behalf of the complainant it has been submitted that in the event of the applicant being released on interim bail, the applicant is likely to influence the witnesses in the matter which would gravely prejudice the trial in the instant case.

On a consideration of the rival submissions that have been made on behalf of either side, taking into account the factum that vide the present application, the applicant seeks grant of interim bail on the ground of the

medical ailment of the applicant, which is brought out to be true by the report of Dr. Akash Narade, Medical Officer Incharge, Central Jail Hospital & Dispensary, Central Jail, in the interest of justice, it is considered appropriate that the applicant is allowed to be released on interim bail for a period of 45 days from the date of his release subject to submission of a bail bond for Rs.50,000/- with one surety of the like amount to the satisfaction of the Superintendent Jail, Delhi with directions that:

- he shall not leave the city of Delhi;
- he shall make no contact with the complainant and the witnesses of the prosecution;
- he shall keep his mobile phone on with location being available at all times;
- he shall inform the Investigating Officer of his telephonic presence on every 3rd day from the date of his release and
- he shall surrender on 45th day of his release from the jail before the Superintendent Jail, Delhi.

It is specifically directed that the applicant shall commit no offence whatsoever during the period he is on interim bail and in the event of there being any FIR or DD Entry being registered against the applicant, the State shall bring it to the notice of the Court forthwith.

The application is disposed of.

ANU MALHOTRA, J

JUNE 08, 2020

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