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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1253/2020

ARUNMARWAH

..... Petitioner

Through: Mr. Baldev Raj, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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11.08.2020

1. The hearing was conducted through video conferencing.
2. The explanation as required by the previous order has been filed by the jail authorities. The same is accepted. The medical report of the petitioner too has been brought on record. The petitioner is yet to be given complete details of the medical report. Let a copy of the same be supplied to the petitioner through counsel in two days.
3. It is the petitioner's case that he requires immediate follow-up treatment, in terms of the clinical observation of the Army (R&R) Hospital. His MRI suggests multilevel degenerative changes involving the cervical and lumbosacral spine, with diffuse bulges and osteophytic changes at multiple cervical and lumbar levels, along with indentation of left L5 traversing nerve root, as described. The learned counsel for the petitioner submits that the aforementioned description clearly shows that the petitioner is constantly suffering from acute pain and discomfort in his spine that needs immediate medical care,

which, according to him, is not sufficiently available at the jail hospital presently.

4. The petitioner has been in custody since 07.02.2018. His jail conduct he has given no cause for complaint. The petitioner wishes to get himself admitted and treated at the Army (R&R). The chargesheet has been filed and recording of the prosecution evidence is underway. According to the learned counsel for the petitioner, the star witness, namely, Mr. B. Vinod Kumar, Wing Commander, has already been examined and he has not supported the prosecution's case. It is the petitioner's case that the remaining witnesses are official witnesses over whom the petitioner cannot have any sway and he, therefore, cannot influence the proceedings.
5. Be that as it may, the petitioner's medical condition is acute. In the circumstances, he is granted interim bail for 45 days from the date of his release, to avail medical facilities at Army (R&R) Hospital where he may be admitted, or any other hospital if so required, on his furnishing a personal bond in the sum of Rs.100,000/- with a surety of the like amount, to the satisfaction of the Duty MM/Jail Superintendent concerned. Bail is granted, subject to the following conditions:
 - i) The petitioner shall keep the ACP (Special Cell) concerned informed of his whereabouts on alternate days between 11 a.m. and 11.30 a.m. or between 5 p.m. and 6 p.m. through mobile/telephone by making a video call, and if a video call is not possible, he may send an SMS apropos his whereabouts, as well as "drop-a-pin" on a location app, to indicate his location.

The mobile/telephone number of the ACP (Special Cell) shall be shared with the learned counsel for the petitioner by the learned APP for the State.

ii) The petitioner shall provide his contact number to the ACP (Special Cell) concerned and shall ensure that such number is reachable at all times.

iii) The petitioner shall not leave the NCT of Delhi.

iv) The petitioner shall not contact complainant(s) in any manner and shall not do anything which could prejudice the case of the prosecution.

6. The application stands disposed-off in terms of the above.

7. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to e-mail a copy of this order to the Jail Superintendent concerned for due compliance.

8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

AUGUST 11, 2020

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