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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1895/2020**

MAHAVIR ARYA Petitioner
Through: Mr. Ajayinder Sangwan, Advocate

versus

STATE NCT OF DELHI Respondent
Through: Mr. Kamal Kumar Ghei, APP for
State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **09.09.2020**
(Hearing through Video Conferencing)

In terms of order dated 25.8.2020, the medical report dated 5.9.2020 has been received from the Medical Officer, Central Jail No. 8 and 9

“ With reference to subject cited above, as per available medical records inmate patient presently lodged at central jail no. 8/9 since 05.02.2020. On same day medical examination was done on examination he gave history of Hypertension and Diabetes Mellitus Type-II on medication, no history of Drug abuse, on local examination no fresh external injury seen, he was examined and advised medications accordingly and also advised to review in OPD.

Inmate patient was reviewed at Dispensary Central Jail No. 8/9 multiple times as a followed up case of Hypertension and complaint of Low Backache, itching over body, swelling & pain of right knee, he was examined and advised medications accordingly.

On 02.03.2020 inmate patient was reviewed by jail

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visiting SR Medicine with alleged history of Hypertension since 5-6 years and he gave complaint of uneasiness, sleeplessness and itchiness over body, he was examined and advised medications accordingly.

On 19.03.2020 inmate patient was presented at Dispensary Central Jail No. 8/9 as a follow up case of Hypertension, he was examined and advised medications accordingly.

On 19.03.2020, 15.04.2020, 18.04.2020, 8.05.2020, 15.05.2020, 17.06.2020, 27.06.2020, 18.07.2020 inmate patient was presented at Dispensary Central Jail No. 8/9 as a follow up case of Hypertension and swelling right knee, Low Backache with Radiculopathy, he gave complaint of pain right knee, he was examined on all the occasions and advised medications accordingly.

On 17.04.2020 blood investigation was done which reveals HB-11.9mg/dl, WBC-1106, Platelet Count-2.80lacs, Serum Billirubin-0.5, Direct Billirubin-0.2, S.G.O.T-31iu/ml Blood Urea- 32mg/dl, Creatnine-0.8, RBS-] 59mg/dl, ESR- 35mm/hr, . CRP- Reactive, Uric Acid- 9.2mg/dl.

On 20.04.2020, 11.05.2020 inmate patient was reviewed by jail visiting SR Medicine for his complaint of Ghabrahat, chest pain on & off, left sided tingling sensation, giddiness, uneasiness and shortness of breath, he was examined and medications accordingly.

On 09.05.2020, 16.05.2020, 29.05.2020 inmate patient was reviewed by jail visiting SR Orthopedics for his complaint of LBA with right knee pain with swelling and as a diagnosis case of Gout, he was examined and advised medications accordingly and also avoid squatting and cross leg.

On 24.08.2020, 26.08.2020, 31.08.2020 inmate patient was reviewed by jail visiting SR Medicine and Doctor on duty as a follow up case of Hypertension, he gave complaint of restlessness, palpitation at Night Anxiety, pain left shoulder, he was examined and advised medications accordingly and also advised to review with

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SR Psychiatry.

On 01.09.2020 inmate patient was reviewed by jail visiting SR Psychiatry for his complaint of decrease sleep, breathlessness, ghabrahat, chest pain, he was examined and advised medications accordingly.”

Though the said report indicates that the present general condition of the inmate is stable and all medication is being provided to the inmate from the Jail dispensary itself, nevertheless the said medical status report shows that he has continuously visited the dispensary at the Jail and is a known case of hypertension and Diabetes Mellitus Type II and there have been times when blood investigations have been got done and he has been repeatedly suffering in the months of August, 2020 and September, 2020 from breathlessness and chest pain and anxiety and pain in the left shoulder.

On behalf of the applicant it has been submitted that he has been falsely implicated in the instant case and that the applicant pursuant to the order dated 16.1.2019 of this Court in Bail Appln. No. 2469/2018 in relation to the instant case itself i.e. FIR 452/2017 Police Station Dabri under Sections 420/467/468/471/120B of the Indian Penal Code, 1860, the applicant has deposited the sum of Rs.9.5 lakhs as directed therein before the Trial Court and that vide order dated 16.5.2019 in as much as by that time the applicant had already deposited Rs.7.50 lakhs out of the 9.5 lakhs and the time had been granted to the applicant vide order dated 16.5.2019 in Bail Appln. No. 2469/2018 by this Court for a further period of 8 weeks to

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comply with the said directions which were thereafter complied with as indicated vide order dated 22.7.2019 of the Court of the Link MM Dwarka Courts, New Delhi, in relation to the said FIR. It has been submitted on behalf of the applicant that pursuant to the compliance of the said directions, the applicant however inadvertently and by mistake did not seek the grant of regular bail and that despite the applicant not having been released pursuant to allegation of cheating and forgery, the applicant has nevertheless in compliance with the directions of the this Court has deposited the sum of Rs.9.5 lakhs in the matter.

On behalf of the State it has been submitted that it is the *modus operandi* of the applicant to continuously cheat persons by forgery of documents in relation to the transactions of rupees and the applicant is also involved in three other cases i.e. FIR No. 764/2016, Police Station Dabri, FIR No. 500/17 Police Station Dabri and FIR No. 214/2007 Police Station Kotla Mubarakpur wherein also there are allegations of the alleged commission of offences inter alia under Sections 420/467/468/471/120B of the Indian Penal Code, 1860 and offences punishable under Sections 506/120-B read with Section 153 of the Indian Penal Code, 1860 .

On behalf of the applicant learned counsel for the applicant has submitted fairly on the record that apart from the aforementioned three cases as mentioned through the status report submitted by the State, there is one more case in which the applicant is on bail i.e. FIR No. 39/20, Police Station Palam Village in relation to which on behalf of the applicant has been placed on record the copy of the order dated

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14.8.2020 in Bail Appln. No. 1814/2020 as per which also the applicant is indicated to have been released on bail pursuant thereto. It is submitted on behalf of the applicant that he has been incarcerated for a period of 21 months now and no useful purpose would be served by the further incarceration of the applicant in as much as the investigation is complete.

On behalf of the State it has been submitted that the release of the applicant in the instant case would permit the applicant to commit further offences.

In as much as he is stated to be on bail in all other cases and there has been compliance of the directions of the order of the Court as aforesaid the deposit of Rs. 9.5 lakhs in the instant case in terms of the order dated 16.1.2019 in Bail Appln. No. 2469/2018, it is considered appropriate to release the applicant on bail in the instant case on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned Trial Court with directions that:

- he shall not leave the city;
- he shall keep his mobile phone on at all times and shall drop a pin on the Google map to ensure that his location is available to the Investigating Officer;
- he shall commit no offence whatsoever

In the event of there being any complaint, FIR, DD entry lodged against the applicant for commission of any offence whatsoever, the State shall bring it to the notice of the Court forthwith which would make the applicant liable for cancellation of the Bail.

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The application is disposed of.

ANU MALHOTRA, J

SEPTEMBER 09, 2020/SV

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