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

+ **BAIL APPLN. 2047/2020**

SHAHNAWAZ alias AYAN

.....Petitioner

Through : Mr. Amjad Khan, Adv.

versus

STATE OF DELHI

.....Respondent

Through : Mr. Hirein Sharma, APP.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**O R D E R**

**16.09.2020**

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[Court hearing convened *via* video-conferencing on account of COVID-19]

1. This is a petition filed under the provisions of Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 seeking grant of regular bail.
2. Mr. Amjad Khan, who appears on behalf of the petitioner, at the outset, says that he will limit his prayer to grant of interim bail.
  - 2.1 It is the submission of Mr. Khan that the petitioner needs urgent surgery for strangulated hernia and, therefore, he should be enlarged on bail.
3. On the previous date i.e. 02.09.2020, I had put to Mr. Hirein Sharma, the learned APP, as to whether he could have an enquiry made, *albeit*, with the concerned doctor with regard to the necessity for performing a surgery on the petitioner given his medical condition.
4. Thus, the evaluation, though, by the concerned private doctor i.e. Dr. Moti Lal had to be based on the medical reports generated *qua* the petitioner while in judicial custody.

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4.1 This aspect of the matter was captured in the order dated 02.09.2020.

4.2 Although, Mr. Khan had been asked, to also inform the Court with regard to the date of surgery, the same is not known as yet. This may be on account of the fact that the concerned doctor may, perhaps, want to fix a date once he knows that the petitioner will get himself admitted for surgery in the hospital.

5. Thus, given the petitioner's medical condition, I am inclined to enlarge the petitioner on interim bail.

5.1 It is ordered accordingly. The petitioner will be enlarged on interim bail subject to the following conditions:

(i) The petitioner will surrender before the concerned jail superintendent on or before 31.10.2020.

(ii) The petitioner will furnish a personal bond of Rs. 20,000/- with one surety of the like amount. The surety will be, one, who is located in Delhi.

(iii) The petitioner will not engage with the witnesses or tamper with the evidence.

6. The Registry will transmit the order passed today, *albeit* electronically, to the concerned jail superintendent.

**RAJIV SHAKDHER, J**

**SEPTEMBER 16, 2020**

Aj/KK

[Click here to check corrigendum, if any](#)

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