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

+ BAIL APPLN. 2540/2020

BRIJ KISHORE

..... Petitioner

Through Mr. S.B.Dandapani, Adv.

versus

STATE (NCB)

..... Respondent

Through Mr. Subhash Bansal, Sr. Standing
Counsel with Mr. Shashwat Bansal,
Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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21.09.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of interim bail for a period of 45 days in Case No.VIII/04/DZU/0017 registered at Police Station NCB, R.K. Puram, Delhi.
2. As per the medical report from the jail, the petitioner is HIV positive and he is also suffering from hernia. But the fact is that, he was sent to DDU hospital on 18.11.2019 wherein the doctor on duty mentioned on the OPD Card that "*patient dated for admission on 18.11.2019 for right hernioplasty but the patient does not want to get admitted for surgery (denies admission)*".
3. Thereafter, the petitioner was reviewed by Jail visiting Surgeon from DDU Hospital on 13.12.2019 and was advised to refer to DDU Hospital. Accordingly, he was referred to DDU Hospital/Surgery Department on

08.01.2020 and 10.01.2020, however, he again refused for surgery at DDU Hospital.

4. In view of aforesaid facts, I am of the view that the petitioner does not deserve the interim bail.

5. Accordingly, the present petition is dismissed.

6. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 21, 2020/rk