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

+ **BAIL APPLN. 2599/2020**

SAMSHAD

..... Petitioner

Through: Mr. S.S. Ahluwalia, Advocate alongwith
Mr. Mohit Bangwal, Advocate

Versus

STATE

..... Respondent

Through: Ms. Radhika Kolluru, APP for State with
Inspector Rakesh, P.S. Bawana, Delhi

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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17.09.2020

1. The present bail application has been filed on behalf of the petitioner seeking interim bail in FIR No. 514/2019 registered under Sections 302/201 IPC at Police Station Bawana, Delhi, on the ground of medical condition of the petitioner.
2. Learned counsel for the petitioner submits that the charge-sheet has been filed only under Sections 201/120B/34 IPC against the present petitioner.
3. On the last date of hearing, a Medical Status Report was requisitioned. Medical Status Report dated 12.09.2020 has been received from the Medical Officer-I/C, Jail Dispensary, Central Jail No. 01, Tihar, New Delhi. As per the said Medical Status Report, the petitioner is a known case of HIV, PLHA (Patient Living with HIV/AIDS) and has been constantly reviewed at the Jail Dispensary and has been provided ART(Anti-Retroviral treatment).

The petitioner has also complained of fever, generalised body ache, generalized weakness, itching groin, pain in biltareal knee as well as bleeding gums, toothache with sensitivity.

4. The Status Report has been placed on record. As per the Status Report, it was revealed that the petitioner's family is residing at a tenanted premises and the petitioner's wife alongwith her child is living with her family including her father, mother and brother.

5. As per the Nominal Roll dated 05.08.2020, the petitioner has nearly undergone the sentence of about 9 months and 3 days and the jail conduct of the petitioner has been reported to be satisfactory.

6. Keeping in view the facts and circumstances of the case and the medical condition of the petitioner, the petitioner is admitted to interim bail for a period of 6 weeks, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM and subject to the following conditions :-

- (i) The petitioner shall not get in touch with the prosecution witnesses directly or indirectly and shall not make any effort to tamper with the evidence.
- (ii) The petitioner shall provide his mobile number to the concerned IO/SHO, P.S. Bawana, Delhi which he undertakes to keep operational during the period of his interim bail.
- (iii) The petitioner shall further remain in touch telephonically with Inspector Rakesh, P.S. Bawana, Delhi on mobile number: 8178372759 on every Monday and Friday during the period of his interim bail.

- (iv) The petitioner shall surrender at the expiry of his interim bail before the concerned Jail Superintendent.
 - (v) The petitioner shall not leave the NCT of Delhi without prior permission of the concerned Court.
7. With the above directions, the bail application is disposed of.
8. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

SEPTEMBER 17, 2020

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