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

+ **BAIL APPLN. 2174/2023**

ARIF@ SAMIR@ PAPPI

..... Petitioner

Through: **Mr.Archit Upadhayay, Adv.**
(DHCLSC)

versus

STATE (GNCT OF DELHI)

..... Respondent

Through: **Mr.Amit Sahni, APP for the State.**
Insp.Sandeep, PS Delhi Cantt.

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Date of Decision: 18.07.2023

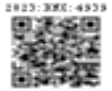
CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The Present bail application has been filed under section 439 Cr. P.C. seeking interim bail for a period of 30 days in case FIR no.314/2017 registered under Section 302/201/120B/34 IPC at PS Delhi Cantt. On the ground of serious medical condition of Thalassemia and undergoing blood transfusion fortnightly of the minor son aged five years.
2. Learned counsel for the applicant has submitted that earlier the applicant has been granted interim bail and the same was not misused. It has further been submitted that the applicant is in custody for the last four years. The application is also supported with medical documents.



3. Learned Additional PP has placed on record the status report dated 14.07.2023, which reads as under:

“Most respectfully, in the continuation of previous status report filed it is further submitted that the medical treatment papers of child Vihan filed by the petitioner along with the petition has been verified from the concerned Hindu Rao Hospital and the same found genuine. Copy annexed herewith as Annexure ‘A’.

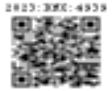
However, some more enquiry made from the hospital regarding the treatment of child Vihan (son of petitioner) and the following facts come into notice

- 1. Vihan is a case of Thalassemia Major, he needs routine transfusion every 15-20 days and is discharged on the same day from Thalassemia Day Care Centre, HRH. **He will be needing transfusion lifelong.***
- 2. Any one person accompany the child on the day of blood transfusion. No donation of any kind is required from family members for his treatment.*
- 3. Hindu Rao Hospital being a government hospital, nothing is charged from the family for the blood, treatment and medicines.*

As per enquiry conducted so far child is living with her mother who is caring of him and child is suffering from lifelong disease and treatment is going on from govt. hospital. Copy of the reply given by doctor of Hindu Rao Hospital is annexed herewith as Annexure ‘B’.

Moreover, the undersigned is ready to abide by all the directions passed by the Hon’ble Court.”

4. Let the status report be brought on record.
5. In view of the status report filed by the learned Additional PP, the applicant is admitted to interim bail for a period of four weeks on furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the trial court, subject to the following conditions:



- (i) The applicant shall report to the IO on every Monday and Thursday at 5 p.m.
 - (ii) The applicant shall not leave NCR without prior permission of the court.
 - (iii) The applicant shall surrender the passport, if any, to the investigating officer.
 - (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - (v) The applicant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;
 - (vi) In case of a change of residential address and/or mobile number, the appellant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
6. The petitioner shall surrender before the concerned Jail Superintendent within Four weeks from the date of release.
 7. With the above directions, the bail application stands disposed of.
 8. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

JULY 18, 2023

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