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

+ **BAIL APPLN. 235/2024**

TUSHAR

..... Petitioner

Through: Mr.J.P. Singh and Mr. Upendra
Yadav, Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Richa Dhawan, APP for State
with ASI Yashpal Singh.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.01.2024

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1. This is an application preferred on behalf of the Applicant Tushar S/o Manjeet under Section 439 Cr.P.C. seeking interim bail in FIR No. 252/2022 dated 02.11.2022 under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at PS: Crime Branch for a period of 45 days on the medical grounds of his 9 months old daughter, who is stated to be suffering from Acute Viral Bronchiolitis with Moderate Respiratory Distress and was hospitalised.

2. Status report has been filed on behalf of the State verifying the medical documents. It is stated that daughter of the Appellant was admitted in hospital on 08.01.2024 with complaints of cold, cough, Post Tussive Vomiting and decreased oral intake and was discharged on 11.01.2024 at 03:50 PM. She was diagnosed with Acute Viral Bronchiolitis with Moderate Respiratory Distress and has been advised home care in consonance with her



age with oral medication and nebulisation for five days. It is further stated in the status report that the Applicant has been on and off on interim bail on several occasions and on one occasion, had surrendered late i.e., after 17 days. It is also stated that mother of the child and the grandparents are there to look after the child.

3. I have heard learned counsel for the Applicant and learned APP and perused the status report. Factum of Applicant's child's medical condition is verified including her hospitalisation. No doubt, the child is discharged but she continues to be unwell and is advised medication. Considering that the child is 9 months of age and continues to have medical issues, this Court deems it appropriate to admit the Applicant on interim bail.

4. At this stage, learned counsel for the Applicant, on instructions, submits that on account of the medical issues of the child, wife of the Applicant is currently residing with her mother at A-616, Uttam Nagar, Sahini Bazar, A-Block, Delhi and the Application after being released will be residing at the said address till the time he surrenders.

5. It is accordingly directed that Applicant be released on interim bail for a period of two weeks from the date of his release, subject to the following conditions:-

- (i) Applicant shall furnish a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one sound surety of the like amount to the satisfaction of the Trial Court;
- (ii) He shall furnish his mobile number(s) to the Investigating Officer and will keep the same operational and active at all times and will contact the IO telephonically once in three days. Additionally, learned counsel for the Applicant has also



furnished another contact number of his mother-in-law being Mob. No. 8448750526. The same shall also be kept active and operational at all times;

- (iii) He shall not tamper with the evidence or otherwise indulge in any act or omission that is unlawful or would prejudice the proceedings in the pending trial and will not extend any threats or inducements to the witnesses and/or any other person(s) connected with the case and/or come in contact with them;
- (iv) He shall not leave Delhi/NCR during the period of interim bail without permission of the Trial Court; and
- (v) Upon expiry of the period of interim bail, he shall surrender forthwith before the concerned Jail Superintendent.

6. It is made clear that this order will not impact the merits of the proceedings pending before the Trial Court and that Court has not expressed any opinion on the merits of the case.

7. Bail Application is allowed and disposed of in the aforesaid terms.

8. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

JYOTI SINGH, J

JANUARY 23, 2024/shivam