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

+ **BAIL APPLN. 306/2024**

DHARMENDER KUMAR

..... Petitioner

Through: Mr. Aditya Aggarwal and Mr. Manas
Agarwal, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms. Richa Dhawan, APP for State
with SI Vaseek Ahamed, PS: Special Cell.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.01.2024

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1. This application has been filed on behalf of the Applicant Dharmender Kumar S/o Sh. Dukhan Yadav under Section 439 Cr.P.C. for grant of interim bail in case FIR No. 168/2023 dated 23.06.2023 registered under Sections 21/22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, P.S. Special Cell for a period of 30 days, on the ground that his wife has to undergo surgery on 31.01.2024 for ovarian cyst.

2. Status report is handed over in Court and is taken on record. The factum of the surgery on 31.01.2024 is not denied in the status report. Learned APP, however, strenuously opposes the grant of interim bail for several reasons. Relying on the status report, it is submitted that the medical documents placed on record by the Applicant indicate that while the Doctor has recommended 'ovarian cystectomy', but there is no indication if any biopsy was conducted to ascertain whether the cyst is malignant or benign. Ovarian cyst can be removed by the Surgeons both by laparoscopic intervention as well as by an open cystectomy and it is not clear which of the



procedures is recommended for Applicant's wife. Going by the medical advice, it is not a major or a life threatening surgery and Applicant's mother, father, brother and sister live with Applicant's wife and can take care of her at the time of surgery as well as during the post-operative period. Applicant is involved in a serious crime and if released on interim bail he will travel to Jharkhand, where his wife lives and there are chances of his absconding. It is also submitted that the co-accused Visheshwar Yadav had filed false documents pertaining to the treatment of his wife before the Court for seeking interim bail on medical grounds. He also sought interim bail on the ground of his daughter's marriage, but upon verification no arrangements were found at the residence or any other place. It seems that the Applicant is seeking bail with an intention to abscond and evade the process of law.

3. Having heard the counsel for the Applicant and the learned APP, this Court is not inclined to grant interim bail to the Applicant. State has expressed a serious apprehension that the Applicant is likely to abscond, if released on bail. The surgical intervention is not life threatening and the IO has confirmed that the wife of the Applicant is not alone and has a whole family to take care of. The allegations against the Applicant are serious and attempts have been made by the co-accused on two occasions to seek interim bail by filing false medical documents of his wife as well as also on the false pretext of his daughter's marriage.

4. For all the aforesaid reasons, the application is dismissed. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

JANUARY 29, 2024/shivam