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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 443/2024**
RATNAKAR @ KARUNAKAR UPADHYAY Petitioner
Through: **Mr. Mukesh Kalra and Mr. Sunny**
Sharma, Advocates
versus
THE STATE N.C.T OF DELHI & ANR. Respondents
Through: **Mr. Naresh Kumar Chahar, APP for**
the State.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
05.04.2024

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1. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of interim bail for a period of 03 months in case FIR bearing no. 770/2023, registered at Police Station Paharganj, Delhi for the offences punishable under Sections 376/506 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of State.
3. Learned Counsel for the applicant argues that the present applicant/accused has been falsely implicated in the present case. It is stated that the applicant/accused is not seeking regular bail on merits but is before this Court seeking interim bail on the ground that the applicant had suffered a cardiac arrest on 19.01.2024 and was admitted to the G.B. Pant Hospital for medical treatment. It is further stated that the doctors had advised angiography to the present applicant/accused as the medical condition of the applicant/accused is very critical and his health is deteriorating. It is further



submitted that the applicant was previously granted interim bail by this Court vide order dated 28.11.2023 and that he did not misuse the liberty granted to him. It is also submitted that the chargesheet in the present case has been filed and that the investigation is also complete. Therefore, it is prayed that the applicant be enlarged on interim bail considering his medical condition.

4. Learned APP for the State, on the other hand, submits that the medical reports of the applicant/accused have been verified and in this regard, a report has been received from the concerned Superintendent Jail which is placed on record for the kind perusal of this Court.

5. This Court has perused the medical record received from the Superintendent Jail wherein it has been stated that the present applicant has a known case of Type-II Diabetes Mellitus/ CAD/old ALWMI/CSA-CCS-II with ejection fraction-60% with complaint of atypical chest pain associated with Ghabhrahath and Dyspnea on exertion-II-III, AOE- II-III for which he was provided appropriate treatment and also taken to the hospital as and when he complained for chest pain and shortness of breath with dizziness and Ghabhrahath etc.

6. This Court's attention has been drawn to an order dated 24.01.2024 passed by the learned Trial Court wherein the prosecutrix herself stated that she had no objection if the petitioner herein was granted interim bail on medical grounds.

7. Considering that on the last date of hearing before the learned Trial Court, the prosecutrix did not appear for her deposition on the ground of cervical pain and had also placed a medical certificate for the same. It is noted that the prosecutrix had not appeared before the learned Trial Court in



the past also, and had no objection at the time of hearing of the application for grant of interim bail moved by the present applicant/accused before the learned Trial Court.

8. This Court considering the multiple medical issues faced by the applicant/accused herein is inclined to grant interim bail to the present applicant/accused till 30.04.2024. However, he will surrender on 30.04.2024 since the deposition of the prosecutrix is to take place on 01.05.2024 before the learned Trial Court on the following conditions:

- a. The applicant shall furnish a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court;
 - b. The applicant shall not leave the territorial jurisdiction of the State of NCT of Delhi;
 - c. The applicant shall furnish to the IO/SHO/Jail Superintendent concerned, his mobile number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - d. The applicant shall surrender before the Jail Authorities at the expiry of the period of interim bail.
 - e. The applicant will not approach the prosecutrix.
9. In view of the above, the present application stands disposed of.
10. The order be uploaded on the website forthwith.

APRIL 5, 2024/zp

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any