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

+ **BAIL APPLN. 1232/2024**

AJAY RAMESH CHANDRA NAWANDAR Petitioner

Through: Mr. Vikas Pahwa, Senior Advocate
with Mr. Hemant Shah, Mr. Saurabh Pal,
Mr. Akshay Rana and Ms. Nancy, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Anupam S. Sharma, SPP and
Mr. Prakarsh Airan, Ms. Harpreet Kalsi,
Mr. Abhishek Batra, Mr. Ripudaman Sharma,
Mr. Vashisht Rao, Mr. Syamantak Modgill,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.05.2024

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1. This application has been preferred on behalf of the applicant under Section 439 Cr.P.C. read with Section 482 Cr.P.C., seeking interim bail on medical grounds in case FIR No.RC2242022A0001/CBI/AC-VI (SIT)/New Delhi under Sections 120-B/409/420/477A IPC and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2. Medical Status Report dated 14.04.2024, duly signed by the Senior Medical officer was sent to the Court under a covering letter of the Jail Superintendent, Central Jail No.7, Tihar, dated 15.04.2024. As per the report, applicant has a history of Diabetes, Hypertension, CKD and has a Foot Ulcer. It was brought out in the report that the applicant was under treatment for all the ailments and was being referred to the referral hospitals



from time to time. Noticeably, the report indicated that applicant was refusing to take the prescribed medicines including Insulin, resulting in increased sugar levels. He was stated to be hemodynamically stable, with healing right Foot Ulcer, CKD without hemodialysis and was kept in the MI Room on ambulatory wheel chair. The report brought forth that all medicines were being administered and applicant was scheduled to be taken to AIIMS hospital for advise of the Specialist in the Urology Department on 24.04.2024.

3. Considering the report and the fact that the applicant was scheduled to be examined at AIIMS hospital on 24.04.2024, hearing of the present application was deferred to await the Specialist's opinion and a direction was issued to the AIIMS hospital to send the report, indicating the current medical status of the applicant.

4. Report has been received from Medical Superintendent, AIIMS hospital, which was read out in the open Court and copy has been given to the learned Senior Counsel for the applicant and the learned SPP.

5. As per the AIIMS report, applicant was examined by the Urologist and the Physician. Findings of the medical examination, reflected in the report, are that applicant has a history of CKD, Diabetes, Hypertension, Foot Ulcer and status post amputation of left lower limb toes. He complained of difficulty in passing urine, decreased urine output, difficulty in weight loss, persistent ulcer in right foot, poorly controlled BP and bilateral lower limb abnormal sensations. For difficulty in passing urine, he sought Urology consultation. Urologist after evaluation referred the applicant from Internal Medicine for further workup. On examination in medicine OPD, applicant was found fully conscious, cooperative and well oriented to time, place and



person. The vitals were: Pulse Rate: 84/min, Blood Pressure: 160/100 mmHg, and Respiratory Rate: 18 cycles per minute.

6. It is further stated in the report that based on history elicited, perusal of available medical records, examination done and current blood investigations, the Department of Internal Medicine was of the opinion that applicant is a diagnosed case of Diabetes Mellitus and Hypertension. At the point of current assessment, his condition is stable and physical examination shows ulcer on the plantar aspect of right foot with no evidence of active infection, which may be managed conservatively. Applicant was advised injection Insulin and oral medications and to maintain blood glucose log. As per the opinion of the Specialist, applicant requires periodic follow up with Specialists in the Endocrinology Department for Diabetes Mellitus and Department of Internal Medicine on outpatient basis for his ongoing conditions. It is further opined that applicant can be treated in Jail or at the Jail referral hospitals viz. DDU, RML, LNJP and there is no indication for his hospitalization as on date.

7. Learned Senior Counsel for the applicant, insists that applicant be released on medical bail for treatment in private hospitals. Learned SPP, on the other hand, states that adequate medical treatment is available in the Jail Hospital/Referral Hospitals and is being given to the applicant. As per the report rendered by AIIMS hospital, applicant is stable and only requires oral medication on Out Patient basis. It is argued that it is a settled law that requests for private treatment can only be allowed if Jail Authorities are unable to provide requisite medical treatment/facilities, which is not the case here.

8. I have perused the earlier Status Report requisitioned from the Jail



Authorities and the medical report sent by AIIMS hospital. Both the reports are indicative of the fact that applicant is stable and only requires oral medication for his illnesses and Insulin for the Diabetes and no hospitalization is required as on date. The Specialist has opined that requisite treatment can be provided in the Jail Hospital and/or the Jail referral hospitals. This Court has no reason to doubt the AIIMS report. There is no material on record to suggest that the medical treatment given to the applicant at present is unsatisfactory or inadequate. It is pertinent to note that on 23.04.2024, a serious concern was raised on behalf of the applicant that despite his written request, he was not being administered Actrapid Insulin and that he was allergic to other forms of Insulin. This concern was redressed as Ms. Shubhi Gupta, learned APP for the State, on instructions from Dr. Vikram, Senior Medical Officer, had stated that applicant was on Actrapid Insulin for the last 15 days in the required dosage and it was assured that requisite medical treatment will be provided in consonance with medical advise.

9. In view of the above, no ground for grant of interim bail on medical grounds is made out at this stage.

10. Needless to state that all necessary medical treatment shall be provided to the applicant in Jail and if and when required, he shall be referred to the referral hospitals for investigations and/or treatment.

11. Application is disposed with liberty to the applicant to approach the Court, if the medical condition so requires.

JYOTI SINGH, J

MAY 3, 2024/*DU/BSR*