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

+ **BAIL APPLN. 1483/2024**

RATNAKAR @ KARUNAKAR UPADHYAY Petitioner

Through: Mr. Mukesh Kalia and Mr. Sunny
Sharma and Ms. Mitali Tyagi,
Advocates (through VC).

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. M.K. Anand, Mr.
Dheeraj, Ms. Purli Marwah,
Advocates and with SI Kajal Tyagi,
P.S. Paharganj.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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30.04.2024

CRL.M.A. 12946/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. 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 extension of interim bail for a period of two months in case arising out of 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').

4. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of State.

5. Learned counsel for the applicant herein states that the applicant is presently admitted in CCU of Mata Chanan Devi Hospital, Delhi and the angiography of the applicant was conducted on 26.04.2024 and the applicant was diagnosed with CAD, ACS, single vessel disease, critical LAD disease as it is 100% blocked and the doctors have prescribed immediate revascularization surgery (bypass surgery). Thus, it is prayed that the interim bail granted by this Court *vide* order dated 05.04.2024 be extended for a period of two months.

6. This Court has gone through the documents which have been placed on record. Since the date of applicant's surrender is today, at present, there is no time for verification of these documents. The applicant herein was admitted in the hospital on 25.04.2024 and this application has been filed on 28.04.2024 and came up for hearing today.

7. This Court has gone through the documents on record as well as the order dated 05.04.2024 passed by this Court. On the last date of hearing, the order clearly mentioned that the applicant herein will surrender today since the deposition of the prosecutrix in this case has to take place before the learned Trial Court on 01.05.2024. This Court has also gone through the report of the concerned doctor which shows that the applicant herein suffers from Distal 100% block (CTO) filling Retrogradely.

8. Considering that the applicant is in a critical medical situation and it will be inappropriate to ask him to surrender while being admitted in the CCU of the hospital concerned, this Court is inclined to extend the interim



bail granted to the applicant *vide* order 05.04.2024 for a period of 15 days on the same terms and conditions.

9. In the meantime, this order shall be a conditional order that the prosecutrix will be examined tomorrow i.e. 01.05.2024 before the learned Trial Court and the counsel for the applicant will not seek adjournment nor dispute the identity of the accused as stated by him before this Court. The learned Trial Court is requested to send a report to this Court as to whether the prosecutrix was examined on 01.05.2024 or not.

10. The Superintendent of the Hospital concerned will also send a report directly to this Court regarding medical status and the date of surgery of the applicant.

11. Accordingly, the present application stands disposed of in above terms.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 30, 2024/zp

Click here to check corrigendum, if any