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

+ **BAIL APPLN. 1609/2024**

HIMANSHU JAIN

..... Applicant

Through: Mr.Sushil Kumar Sharma and
Mr.Virendra Kumar, Advs.

versus

THE STATE (GVT OF NCT DELHI) THE STATE
THROUGH SH0/10 P.S. CRIME BRANCH EAST (GOVT.
OF NCT OF DELHI.) & ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP with
SI Governor Singh

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.05.2024

CRL.M.A. 14033/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for extension of the *interim* bail granted to the applicant by order dated 18.04.2024 passed by the learned Additional Sessions Judge – 04, East District, Karkardooma Courts, Delhi (hereinafter referred to as the 'Trial Court'), in Bail Application 445/2024, for a period of 30 days for proper follow-up after the operation.

3. The applicant is an accused in FIR No.226/2023 registered at Police Station: Crime Branch, East Delhi under Sections



489A/489B/489C/489D/120B/34 of the Indian Penal Code, 1860 (in short, 'IPC').

4. The applicant was suffering from Fistulectomy, for the treatment of which, he needed to undergo surgery. The applicant was, accordingly, released on *interim* bail for period of 20 days vide Order dated 18.04.2024 passed by the learned Trial Court.

5. It is the case of the applicant that the applicant was released from jail on 19.04.2024, and on 22.04.2024, he underwent the abovementioned surgery. He was discharged from the hospital on 24.04.2024, and has been advised to take rest from 25.04.2024 to 20.05.2024, and to follow up after every 5 days and do alternate day dressing.

6. The applicant, accordingly, filed an application seeking extension of *interim* bail, which has been dismissed by the learned Additional Sessions Judge vide Order dated 04.05.2024, *inter alia* observing as under:

"Suffice it to say, the applicant/ accused has already underwent requisite surgery, has been discharged from the hospital and has not been called for any follow-up by the doctor who has treated him in terms of medical documents so furnished. Moreover, it is reported by the IO that the applicant/ accused instead of taking rest, is visiting Delhi, Udaipur and other places. Considering the gravity of offences in question i.e. dealing in counterfeit currency and fact that trial in this case is not yet commenced, this Court does not deem it expedient to extend interim bail to the applicant/accused Himanshu Jain at this stage. Hence, the present application u/s 439 Cr.P.C. for grant of extension of bail to accused/ applicant Himanshu Jain s/o Sh.



Shanti Lal, is dismissed.”

7. The learned counsel for the applicant submits that due to an oversight, the Discharge Record which requires the applicant to go for a follow-up every 5 days, could not be pointed out to the learned Additional Sessions Judge. He submits that the applicant has undergone surgery and it is in the interest of justice that his *interim* bail be extended.

8. The prayer made by the applicant is opposed by the learned APP, submitting that the applicant is charged with a heinous crime and he is using his medical condition only as a ruse to come out of custody. She submits that the learned Additional Sessions Judge has taken note of the fact that the applicant, during the period of his release, has been travelling to various cities, that is Delhi, Udaipur etc., which, the prosecution alleges may be for the same business for which the applicant has been charged.

9. I have enquired from the learned counsel for the applicant regarding the purpose of his visits to various cities as mentioned in the Order dated 04.05.2024. The learned counsel for the applicant submits that it was for the purposes of arranging money for the surgery. However, inspite of this travel being cited by the learned Additional Session Judge as a ground to refuse extension of *interim* bail to the applicant, I find that there is no such averment in the application nor any explanation offered for the reason for such travel. It simply appears to be an explanation that is just made up on the spot, upon being questioned by this court. If the applicant is fit enough to visit



various cities like Delhi, Udaipur, etc., there is no reason to extend his *interim* bail.

10. The present application is, therefore, dismissed.

11. It is, however, directed that the Jail Authorities shall provide all necessary medical follow-up and treatment to the applicant as would be advised by the doctors, in Delhi itself.

NAVIN CHAWLA, J

MAY 7, 2024/ns/am

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