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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL. APPLN.1699/2024**

RAM KISHOR ARORA

..... Petitioner

Through: Mr. Kapil Sibal, Mr. N. Hariharan
and Mr. Ravi Sikri, Senior Advocates
with Mr. Tanveer Ahmed Mir, Mr
Kartik Venu and Mr. Yash Datt and
Mr. Shashwat Sarin, Mr. Mohd Imran
Ahmad, Mr. Yatin Dev, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, SPP for ED with
Mr. Manish Jain, Special Counsel,
Mr. Vivek Gurnani, Mr. Kartik
Sabharwal and Ms. Snehal and Mr.
Mohit Gadara, AD, ED.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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13.05.2024

CRL.M.A.14695 /2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL. APPLN.1699/2024 & CRL.M.A.14696 /2024 (ad-interim)

1. By way of present application filed under Section 439 Cr.P.C read with Section 45 of the Prevention of Money Laundering Act, 2002, the petitioner/applicant seeks extension of the interim bail granted vide order dated 16.03.2024 passed by the learned trial court in ECIR No. STF/21/2021



dated 09.09.2021.

2. Learned Senior Counsels for the applicant state that considering the medical condition of the applicant, the learned trial court had firstly granted interim bail on 16.01.2024, which was thereafter continued from time to time. However, vide order dated 10.05.2024, the applicant's request for further extension of the interim bail came to be dismissed.

3. Mr. Zoheb Hossain, learned SPP for the respondent has vehemently opposed the prayer. He submits that the applicant has misused the concession of interim bail by not undergoing the requisite medical procedure for approximately four months, which amounts to an abuse of the process of the court. As per the opinion of Medical Board, the applicant's condition is stable and he can be treated/operated in the prison or at any of the super speciality referral hospitals under the Referral policy.

4. Pertinently, the applicant is an accused facing trial in the aforementioned ECIR which came to be registered in consequence of 26 FIRs that were registered by various agencies in Delhi, Haryana and U.P., in relation to complaints by about 670 homebuyers. After investigation, a prosecution complaint has been filed and cognizance has been taken.

5. The applicant had approached the learned trial court with the prayer for release on interim bail on medical grounds. The applicant had complained of neck and lower back ache, GERD and vertigo. A medical status report was called from jail, as per which, an MRI spine was done which suggested degenerative changes and advised surgery.

The applicant was released on interim bail to undergo the requisite procedure. The interim bail was extended twice by the trial court. Feeling aggrieved by applicant's repeated request for extensions, the respondent



approached this court by way of CRL.M.C. Nos. 1528/2024, 2437/2024, 3028/2024. On 23.04.2024, this Court requested the Director, AIIMS to constitute a Medical Board to properly evaluate the applicant's medical condition. The Medical Board was accordingly constituted and its report dated 26.04.2024 has been placed on record which is reproduced as under:

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi - 110029

No.F.2-45/Medical Board/2024-Estt.(H) Dated: 26.04.2024

Sub.: Report of medical board constituted at AIIMS for medical examination of Mr. Ram Kishore Arora in compliance of order dated 23.04.2024 of Hon'ble Mr. Justice Manoj Kumar Ohri, High Court of Delhi vide CRL M.C. 1528/2024, CRL M.A. 5971/2024 and CRL M.A. 5972/2024 titled Directorate of Enforcement Versus Ram Kishore Arora.

A medical board has been constituted by the Medical Superintendent AIIMS, on subject noted above. The board consisted of the following members:

1. Dr. Vivek Tandon	-	Chairperson
Professor, Deptt. of Neurosurgery		
2. Dr. Gyaninder Pal Singh	-	Member
Professor, Deptt. of Neuro Anaesthesia (JPNATC)		
3. Dr. Deepak Gunjan	-	Member
Addl. Professor, Deptt. of Gastroenterology		
4. Dr. Rajesh Kumar Singh	-	Member
Addl. Professor, Deptt. of Neurology		
5. Dr. Vivek Shankar	-	Member
Addl. Professor, Deptt. of Orthopaedics		
6. Dr. Nirmal Ghai	-	Member
Asstt. Professor, Deptt. of Cardiology		
7. Dr. Tony Joseph	-	Member Secy.
Department of Hospital Administration		

The meeting of the medical board was held on Friday, 26th April 2024 at 12:00 Noon in Consultation Room No. 13, M.S. Office Wing, Ground Floor, AIIMS, New Delhi. The patient Mr. Ram Kishore Arora appeared before the board on 26.04.2024. All members were present and Dr. Soumya Jagannath Mahapatra attended the meeting in place of Dr. Deepak Gunjan.

Based on history elicited, perusal of available medical records, radiological investigations and examination done, the patient is having the following medical conditions:-

1. Cervical spondylosis - The clinical evaluation and examination was suggestive of cervical radiculopathy.
2. Coronary Artery Disease- The patient had undergone coronary angiography, that shows single vessel disease for which he underwent balloon dilatation. Post procedure, there is no residual significant coronary disease as per the available scans. ECHO was done at AIIMS on 26th April 2024 and no significant abnormality was detected. He has no complaints of chest pain and currently he is on optimal medical therapy for this condition.

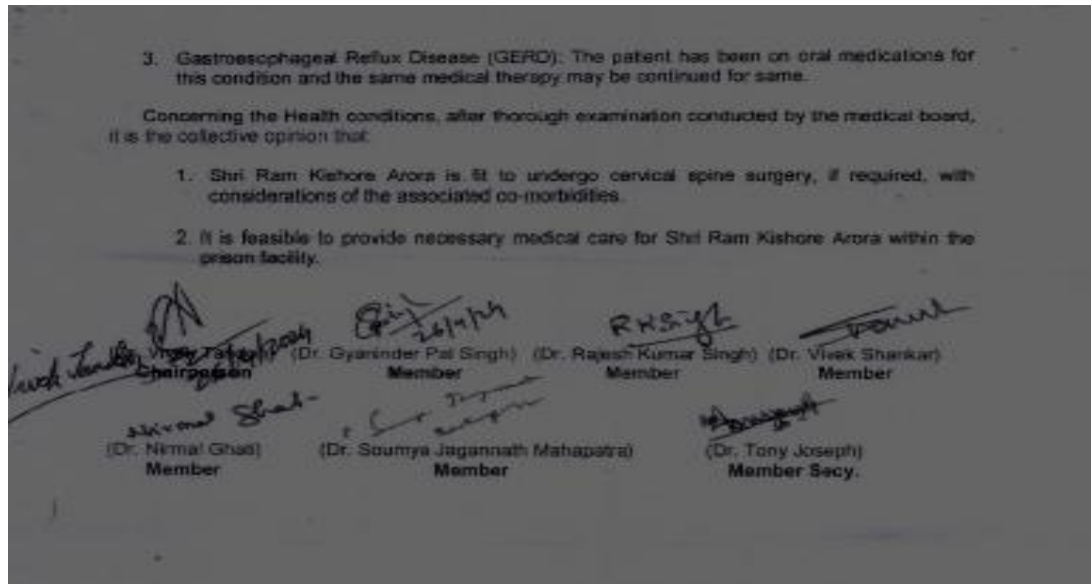
Page 1 of 2

Handwritten signatures and dates:
26/4/24 (Dr. Gyaninder Pal Singh)
26/4/24 (Dr. Tony Joseph)
26/4/24 (Dr. Vivek Tandon)
26/4/24 (Dr. Rajesh Kumar Singh)
26/4/24 (Dr. Nirmal Ghai)
26/4/24 (Dr. Deepak Gunjan)
26/4/24 (Dr. Soumya Jagannath Mahapatra)

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 14/05/2024 at 19:56:06



6. A perusal of the aforesaid report indicates that for applicant's coronary issues, it was noted that he had already undergone coronary angiography. An ECHO was also done at AIIMS and no significant abnormality was detected. The opinion also records that the applicant has not complained of any chest pain and is on optimal medical therapy. Insofar as applicant's complaint regarding GERD is concerned, it is stated that the petitioner is already on medication. On the clinical evaluation of cervical spondylitis, the same is stated to be suggestive of cervical radiculopathy. The board has also answered the query in affirmative as to whether the applicant can be provided medical care in the prison facility.

7. The trial court had dismissed the application for extension as no date for cervical spine surgery was fixed. The applicant claims that a date for surgery has now been fixed. The applicant shall approach the trial court at the first instance.

8. The order dated 10.05.2023 passed by the trial court calls for no interference and as directed vide the said order, the applicant shall surrender.



9. The bail application alongwith pending application is disposed of in the above terms.
10. Needless to state that any further application as and when filed shall be considered on its own merits and in accordance with law.
11. Copy of this order be communicated to the concerned Jail Superintendent and Trial Court.

MANOJ KUMAR OHRI, J

MAY 13, 2024/rd