



\$~10

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

+ **BAIL APPLN. 1711/2024**

RATNAKAR @ KARUNAKAR UPADHYAY Petitioner

Through: Mr. Mukesh Kalia and Ms. Kanika Vohra and Ms. Mitali Tyagi, Advocates (appeared through VC)

versus

THE STATE (N.C.T OF DELHI) AND ANR Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State with Mr. Ripundam Shahi, Mr. Badre Alam, Mr. Faiz Ali Khan, Advocates and SI Arun, P.S. Paharganj

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

27.05.2024

%

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 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 for offences punishable under Sections 376/506 of Indian Penal Code, 1860 ('IPC').

2. Learned Counsel for the applicant argues that the applicant had



earlier suffered cardiac arrest and was admitted in Mata Chanan Devi Hospital, Janakpuri, Delhi for treatment of cardiac issues, and the angiography of the applicant had been conducted on 26.04.2024 as the applicant was diagnosed with CAD, ACS, single vessel disease, critical LAD disease, and 100% blockage in one of arteries and the doctors had prescribed immediate revascularization surgery (by-pass surgery). Thereafter, applicant had visited OPD of Human Care Medical Charitable Trust and the doctors had advised him to repeat coronary angiography+Mid ABG/PTCA for which the applicant had to be admitted in hospital on 23.05.2024. 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 05.04.2024 which was extended *vide* order dated 30.04.2024 and that he did not misuse the liberty granted to him. It is also submitted that the charge sheet in the present case has been filed and that the investigation is also complete, hence there is no chance that the applicant herein will tamper with any evidence. Therefore, it is prayed that extension of interim bail be granted considering his present medical condition.

3. Learned APP for the State, on the other hand, vehemently opposes the present application and submits that the applicant was getting treated at Mata Chanan Devi hospital and the doctor concerned stated that the patient's treatment outcome was satisfactory. It is further



submitted that the applicant herein was advised elective coronary artery bypass surgery as planned treatment and not emergency treatment pursuant to which he was discharged on 02.05.2024 from Mata Chanan Devi Hospital with medication and advised to go through CABG if medical treatment failed. It is further stated that verification from Human Care Charitable Trust had been conducted by the I.O., in which the doctor concerned stated that the patient came to their O.P.D. 09.05.2024 with H/O exceptional chest pain with a coronary angiography report which was done at Mata Chanan Devi Hospital that showed 100% blockage of the left anterior descending artery. He further submits that the applicant herein deliberately got himself admitted on 23.05.2024 to Human Care Charitable Trust, only to procure interim bail, when the medical facility that the applicant needed was already available at Mata Chanan Devi Hospital. The intention of the applicant is to mislead the Court, which is clear from the conduct as stated and that earlier also the applicant had moved similar applications for extension of interim bail on the last moment. Hence, the application for extension of interim bail deserves to be dismissed.

4. This Court has heard arguments on behalf of both the parties and has perused the material placed on record.

5. This Court has taken note of the objections raised by the learned APP for the State with regard to the conduct of the present accused/applicant.

6. However, considering the fact that the applicant as of now is



admitted in hospital and the material placed on record reveals that the applicant herein has been diagnosed with CAD, ACS, single vessel disease, critical LAD disease and the records reveal that the applicant has 100% blockage in one of arteries and that the doctors have prescribed immediate revascularization surgery (by-pass surgery), this Court is inclined to extend the interim bail granted *vide* order dated 05.04.2024 to the applicant till 15.06.2024, on the same terms and conditions.

7. In addition, the Medical Superintendent of Human Care Charitable Trust shall furnish a report regarding the medical condition of the applicant on the expiry of the period of interim bail.

8. It is also clarified that in case the surgery is not performed within a period of 10 days from today the applicant will surrender before the Jail Authorities.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 27, 2024/ns

[Click here to check corrigendum, if any](#)