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

+ **BAIL APPLN. 1741/2024**

PRADEEP RAMDANEE

..... Petitioner

Through: Mr. Anant Malik, Ms. Sakshi
Bhayana and Ms. Akankshya Misra, Advocates.

versus

STATE GOVT NCT OF DELHI

THROUGH DG PRISONS

..... Respondent

Through: Ms. Richa Dhawan, APP for State.
Mr. Sanjay Jain, Senior Advocate with Mr. Akhand
Pratap Singh, SPP and Mr. Nishank Tripathi,
Advocate along with ACP Virender Kadyan and
Inspector Pradeep Rai, for EOW.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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31.05.2024

1. This is an application preferred on behalf of the applicant under Section 439 Cr.P.C. seeking grant of interim bail in case FIR No.208/2021 dated 07.08.2021 under Sections 170/384/386/388/419/420/506/120B IPC, Section 66D of the Information Technology Act, 2000 registered at PS: Special Cell, on medical grounds.
2. Status Report has been filed on behalf of the EOW. Along with the report, medical status report dated 28.05.2024 received from Medical Officer In-Charge, CJ-10, Rohini is annexed. As per the medical report, applicant is a follow-up case of post-operative cataract right eye (operated in December, 2022), Type-2 Diabetes Mellitus, Hypertension and tubercular pleural effusion (left side). He is under regular treatment of jail duty doctors, jail visiting specialists, Central Jail Hospital of CJ-03 and Dr. BSA



Hospital. Applicant was diagnosed with tubercular pleural effusion and started on Anti-Tubercular Treatment (ATT) from 06.02.2024 as per guidelines as an accidental finding when he reported at Jail Dispensary with complaint of recent onset of shortness of breath. He was admitted in the MI room (inpatient ward) of CJ-10, Rohini Jail for management of the illness and was also taken for review at Pulmonology Department, BSA Hospital. Last review was conducted in the said Department on 05.03.2024 where x-ray was taken and after perusal of the x-ray report and clinical evaluation, he was advised to continue ATT. On 04.04.2024, applicant was again taken to Pulmonology Department of BSA Hospital for follow-up and was advised to continue the same treatment. It is stated in the report that applicant is under regular follow-up and is receiving all required medication from time to time. His general medical condition is stable and he is being provided special medical diet as per Jail Rules.

3. Mr. Sanjay Jain, learned Senior Counsel appearing for EOW submits that in view of the medical status report, the application deserves to be dismissed as all required treatment is being given to the applicant. As and when required, he is being referred to the Pulmonology Department, BSA Hospital and his condition is stable.

4. Learned counsel for the applicant, on the other hand, states that required treatment is not being administered by the Jail Authorities. As per his knowledge and information, a malignancy test has to be conducted for suspected cancer, as per the symptoms seen in the applicant. It is thus urged that the applicant be granted medical bail to enable him to take treatment in private hospital of his choice as right to health is a fundamental right.

5. Heard.



6. As per the medical status report signed by Medical Officer In-charge, CJ-10, Rohini, applicant has been diagnosed with tubercular pleural effusion and is under treatment of the Jail Specialists as well as BSA Hospital, the Referral hospital. Applicant is undergoing ATT from 06.02.2024 as advised by the Jail Medical Specialists and on referral to Pulmonology Department of BSA Hospital, the same treatment was advised on clinical evaluation as well as on examination of the x-ray reports. All required medication is being given to the applicant along with the required special medical diet in consonance with the Jail Rules. On a pointed query to the counsel for the applicant, he is unable to explain the basis on which it is claimed that malignancy test is not being conducted on the applicant. It is neither the case of the applicant in the bail application nor emerging from the medical report that there is any symptom leading to a suspected case of cancer requiring malignancy test. Be that as it may, the Jail Authorities are directed to conduct further medical examination of the applicant and if required, the malignancy test shall be conducted, as per medical protocol and advice. Needless to state all required medication shall be administered to the applicant.

7. Application is disposed of with the aforesaid directions, giving liberty to the applicant to approach the Court in case the medical condition so requires.

JYOTI SINGH, J

MAY 31, 2024

B.S. Rohella/shivam