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

+ **BAIL APPLN. 3971/2023**

JYOTI @ KAMLESH

.....Petitioner

Through: Mr. Nishant Tyagi, Mr. Gaurav Jain,
Advvs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahlot, APP for State
with SI Manisha, PS. Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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10.09.2024

1. This petition seeks interim bail in FIR No. 623/2022 under Sections 363/370/370A/ 376D/34/120B IPC P.S. Punjabi Bagh on medical grounds. It is noted by this Court on 23rd January 2024 that petitioner is having a lump in her breast which is suspected to be cancerous.

2. As per medical Status Report dated 19th January 2024, ultrasound of the petitioner was done from Deen Dayal Upadhyay Hospital (DDU Hospital) on 17.01.2024 and the report suggested lesion in right breast and an FNAC was planned at DDU Hospital on 22.01.2024. Thereafter, the Court requisitioned medical report from time to time.

3. The latest medical report dated 5th September 2024 reports that petitioner was sent to Safdarjung Hospital on 1st April 2024 and Ultrasound Bilateral Breast was advised. Subsequently, the report suggested post operative changes in the Bilateral Breast and fat necrosis in right breast, treatment was prescribed and was advised MRI of bilateral breast. The MRI



was done on 5th August 2024 and she was called for discussion in the clinic, Radiology Board in the next visit and sent for evaluation on 29th August 2024 to the Surgery Department. She has been advised ultrasound with guided biopsy of right breast which is planned for 13th September 2024.

4. Considering substantial time has passed since she had first complained about possibility of cancerous lump in the breast, counsel for petitioner, on instructions, state that they would rather prefer private treatment and prays for interim bail.

5. In light of the above, this Court is inclined to grant interim bail to the petitioner for a period of one month from the date of release on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court and shall be resident at her address as noted in the Nominal Roll
- ii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iii. Petitioner shall join investigation as and when called by the IO concerned.
- iv. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- v. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the victim/complainant or any member of the victim/complainant's family or tamper with the evidence of the case.



6. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
7. Accordingly, the application is disposed of.
8. It is made clear that the interim bail is granted for the purposes of getting her diagnoses and treatment in order, and interim bail shall not be extended in case of any delay in steps taken by the petitioner.
9. Copy of order be given *dasti*.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 10, 2024/sm