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

+ **BAIL APPLN. 24/2024**

SAURABH MITTAL

..... Petitioner

Through: Mr.Aditya Aggarwal, Ms.Pooja and
Mr.Ankit, Advocates

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State
Ms.Ruchika, Advocate for complainant

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.02.2024

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1. By way of present bail application filed under Section 439 read with Section 482 Cr.P.C., the petitioner/applicant seeks interim bail in FIR No.409/2019 registered under Section 6 POCSO Act and Section 376 IPC at Police Station Sagarpur, Delhi on medical and humanitarian grounds.
2. Learned counsel for the applicant submits that, while considering his medical condition, the applicant was earlier also extended the benefit of interim bail vide order dated 09.08.2021 for a period of four weeks which he did not misuse and surrendered in time. He also submits that in case the benefit of interim bail is extended, he would not stay at his house but at A-0095, Old Rangpuri Road, Village Mahipalpur, New Delhi-110037.
3. Learned APP for the State has opposed the application however, learned counsel for the complainant submits that she has no objection.



4. The medical status report dated 30.01.2024 has been received from the office of Senior Medical Officer, Jail Dispensary, Central Jail No-1, Tihar, New Delhi which is reproduced as under:-

“As per available medical records the inmate patient is a follow up case of PIVD with Secondary Osteo Arthritis of left ankle for which the inmate patient had undergone left ankle arthrodesis surgery with K wire fixation on 08.11.2023 at Safdarjung Hospital, thereafter he was regularly sent to Safdarjung Hospital and suture removal done, wound is healthy and dressing was done. On discharge below knee cast was applied over left leg, he was advised for non-weight bearing ambulation with walker, limb elevation and appropriate medications. The same is being provided to him.

The inmate patient was reviewed in Safdarjung Hospital on 07.12.2023 after surgery. He was advised bed rest for 1 month and medications accordingly. Fresh below knee slab was applied. He was advised walking support for which he is provided with a walker and wheel chair.

He was referred to Safdarjung Hospital on 14.12.2023 for follow up, he was examined as a case of Post-Operative surgery of left Ankle Arthrodesis. He was examined and after examination, he was advised for antiseptic dressing and applied fresh below knee POP cast and medications accordingly. On 11.01.2024, he was again referred to Safdarjung Hospital for follow up, he was examined and after examination the K wire was removed and reapplied below knee cast and he was advised for partial weight bearing.

The inmate patient has undergone surgery of left ankle in November, 2023 thereafter he is regularly followed up in Safdarjung Hospital, general condition is stable and all medications are provided to him.”



5. A copy of the interim bail order dated 09.08.2021 has been placed on record wherein it was noted that the present case relates to a situation where the victim is a special child who could neither speak nor write. It was also noted that though the interpreter was called but her statement under Section 164 Cr.P.C. could not be recorded as the child victim does not know sign language.

6. Considering the medical status report and the fact that the applicant was earlier also released on interim bail, it is directed that the applicant be released on interim bail for a period of four weeks from the date of his release, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./concerned Court and subject to following further conditions:

- i) The applicant shall remain available on mobile number: 8750105049, which he undertakes to keep operational at all times during the period of his release.
- ii) The applicant shall not enter the jurisdiction of Police Station Sagarpur.
- iii) The applicant shall not leave the jurisdiction of Police Station Mahipalpur unless he has to visit the hospital for any post-operative treatment.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall surrender after the expiry of the interim bail period.



7. The application is disposed of in the above terms.
8. A copy of this order be communicated electronically to the concerned Jail Superintendent by the Registry as well as by the Investigating Officer for information.
9. Copy of the order be also uploaded on the website forthwith.

DASTI.

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2024

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