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

+ **BAIL APPLN. 3318/2024**

ADITYA KRISHNA

.....Petitioner

Through: Mr. Siddharth Aggarwal, Senior
Advocate with Ms. Tanya Agarwal,
Ms. Arshiya Ghosh, Advocates.

versus

DIRECTORATE OF ENFORCEMENTRespondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **18.10.2024**

CRL.M.A. 28192/2024 (Early hearing).

1. Learned Senior Counsel appearing on behalf of the applicant submitted that the instant application has become infructuous and may be dismissed.

2. In view of the above said submission made by the learned Senior Counsel appearing on behalf of the applicant that the instant application has become infructuous, the same stands dismissed.

BAIL APPLN. 3318/2024.

3. The instant application under Section 439 of the Code of Criminal Procedure, 1973 has been filed on behalf of the applicant seeking the following relief:

“..a. Allow the present petition and may grant the concession of interim bail to the petitioner for a period of 60 days on /



humanitarian/medical ground in respect to ECIR/DLZOII/03/2024 dated 16.03.2024...”

4. Mr. Siddharth Aggarwal, learned Senior Counsel appearing on behalf of the applicant orally prayed that the instant application may be treated as an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter) read with Section 528 of the BNSS.

5. It is submitted that the instant application has been filed on behalf of the applicant seeking grant of the interim bail on the medical grounds for a period of sixty days in ECIR/DLZO-II/03/2024 dated 16th March, 2024.

6. Learned Senior Counsel appearing on behalf of the applicant submitted that *vide* SMO letter no. 1141 dated 3rd October, 2024, the Office of the Superintendent, Central Jail No. 8/9, Tihar Jail, New Delhi has submitted a medical status report of the applicant. It is submitted that as per the said report of the applicant, the applicant was reviewed/consulted by the jail doctor on duty on 14th May, 2024, 22nd June, 2024 and 6th July, 2024 and the jail doctor is of the opinion that the applicant is suffering from the seizure disorder, and he was advised to be reviewed/consulted by jail visiting SR Medicine and Neurologist.

7. Learned Senior Counsel appearing on behalf of the applicant relied on certain paragraphs of the medical status report which are reproduced herein below for reference:-

“...On 28.09.2024 inmate patient presented In dispensary with recurrent seizure episode with frothing and blood In sputum, Inmate patient was given primary treatment and was referred to DDU Hospital In emergency In view of recurrent seizures, after examination at DDU hospital NCCT head scan was done and he was advised medications accordingly and also advised to review In higher centre for further management. Thereafter



Inmate patient again presented in dispensary on 02.10.2024 for complaint blood in vomiting, he was examined and advised medications accordingly.

The Inmate patient is a follow up case of seizure disorder on medications. He is also suffering from on and off breathing difficulty and complaint of blood in vomiting (Hematemesis) and Hematuria for which he is under evaluation. The Inmate patient presents in dispensary frequently for seizure episodes, blood in vomiting intermittently while on medications. The Inmate patient has been reviewed in DDU Hospital and GB Pant hospital and advised for medications accordingly....”

8. It is further submitted that in view of the medical status report submitted by the jail authority, it is crystal clear that the situation of the applicant is deteriorating day by day and he is in need of the best treatment in a multispecialty hospital. Therefore, it is prayed that the applicant may be released on interim bail on medical grounds.

9. *Per contra*, learned Special Counsel appearing on behalf of the respondent vehemently opposed the instant application and submitted that the jail authority is taking utmost care of the applicant and providing all the necessary medical assistance by the best doctors of DDU Hospital and GB Pant Hospital, and also submitted that such type of illness is taken care of by the jail hospital and referrals of the jail hospital only.

10. It is submitted that considering the seriousness of the illness of the applicant, a medical board may be constituted and after the submission of the report by the said medical board, this Court may pass any order.

11. Heard learned counsel appearing on behalf of the parties and perused the record.

12. This Court has perused the contents made in the instant application as



well as counter affidavit filed by the respondent department and the medical status report dated 3rd October, 2024 submitted by the jail authority.

13. After considering the relevant paragraphs of the medical status report reproduced hereinabove, it is evident that the jail authority has itself conceded to the fact that the situation of the petitioner has worsened after the passing of the order dated 24th August, 2024 by the learned Special Court by virtue of which the applicant's interim bail application was dismissed earlier.

14. Furthermore, the aforesaid excerpts of the medical status report states that the applicant is suffering from seizures disorder, breathing difficulty as well as blood vomiting (Hematemesis) and Hematuria for which he is under evaluation. The said medical status report also states that the applicant is frequently brought to the jail dispensary for treatment of seizure episodes, blood vomiting intermittently while on medications.

15. It is an admitted fact as per the said medical status report of the doctors which has not been denied by the respondent department that the applicant is suffering from seizure disorder. Furthermore, it has been submitted by the learned Senior Counsel appearing on behalf of the applicant that due to the aforesaid illness, the applicant has consulted the DDU Hospital and GB Pant Hospital for the medications.

16. Therefore, bearing in mind the observations made in the foregoing paragraphs, this Court does not find any force in the submissions made by the learned counsel appearing on behalf of the respondent department for constitution of any medical board at this stage.

17. In view of the above facts and circumstances and illness of the applicant as well as the fact that the applicant is a 24 years old IIT graduate,



this Court is of the view that the applicant is required to be treated at a multispecialty hospital in the country.

18. On a specific query made by this Court, learned Senior Counsel appearing on behalf of the applicant submitted that the Max Hospital, Saket, Delhi is one of the best multispecialty hospital and therefore, he may be admitted and treated in the said Hospital.

19. Accordingly, the jail authority as well as the respondent department is directed to take the applicant to the Max Hospital, Saket, Delhi in custody for the purposes of medical consultation and medications. The respondent department is further directed to find out as to whether the course of the treatment provided to the applicant in DDU Hospital and GB Pant Hospital was proper or not. In case it is found that the course of treatment given to the applicant at the DDU Hospital and GB Pant Hospital is proper, then the jail authority and the respondent department shall continue with the applicant's treatment at the aforesaid Hospitals in terms of the medical advice given by the doctors at the Max Hospital.

20. However, if the doctors at the Max Hospital do not concur with the course of treatment provided to the applicant at the DDU Hospital and GB Pant Hospital, and are of the opinion that the applicant requires admission for treatment, then the applicant may be admitted (in custody) in the Max Hospital for his better treatment. Further, the parents of the applicant be allowed, as attendant, to attend the applicant during the period he is admitted in the Max Hospital.

21. It is made clear that if the course of treatment given to the applicant at the DDU Hospital and GB Pant Hospital is found satisfactory to the doctors at the Max Hospital, then the applicant shall not be admitted in the Max



Hospital and the jail authority/respondent department shall continue with the treatment of the applicant at the DDU Hospital and GB Pant Hospital.

22. It is also made clear that if required, the applicant may be admitted for a maximum period of ten days for his treatment.

23. In view of the above facts and circumstances, the instant application stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

OCTOBER 18, 2024

Rk/ryp

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