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

+ **BAIL APPLN. 3968/2024**

NEERAJ NARA

.....Petitioner

Through: Mr.Rizwan, Ms.Sachi Chopra and
Mr.Samarth Sharma, Advocates

versus

STATE THROUGH APP

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State
alongwith SI Sachin, P.S.-BHD Nagar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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04.11.2024

CRL.M.A. 32812/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 3968/2024

1. The present application has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") on behalf of the applicant seeking extension of interim bail for a further period of eight weeks from 25.10.2024 in the F.I.R. bearing No. 53/2019 dated 30.01.2019 registered with Police Station Baba Haridas Nagar, Delhi under Sections 302/201/34 of the Indian Penal Code, 1860.
2. The briefly stated facts are that the applicant was granted interim bail by the learned Additional Sessions Judge (hereinafter "ASJ") for a period of



eight weeks vide order dated 07.06.2024 on medical grounds. The interim bail was further extended for a period of twelve weeks vide order dated 02.08.2024. Vide order dated 25.10.2024, the learned ASJ declined further extension of the interim bail granted to the applicant. Aggrieved by the said order, the applicant has invoked the jurisdiction of this Court for extension of interim bail.

3. Learned APP for the State has vehemently opposed the instant application on the ground that the applicant has already enjoyed the interim bail since 07.06.2024. It is submitted that as of now, no date for surgery has been fixed, and therefore, the application for extension of interim bail may be dismissed.

4. At this juncture, learned counsel appearing on behalf of the applicant submitted that the date of surgery of the applicant was fixed for 13.08.2024, however, on account of his deteriorating medical condition, the surgery could not be held. It is submitted that another surgical procedure was conducted upon the applicant on 09.10.2024, whereby, the doctor had prescribed complete bed rest for a period of six weeks.

5. The present application was taken up by the Coordinate Bench of this Court on 29.10.2024 and has given the *prima facie* opinion that the applicant is not entitled for extension of the benefit of the interim bail. This Court has no reasons to disagree with the *prima facie* opinion of the Coordinate Bench of this Court. The interim bail on the medical ground cannot be open ended as the date of surgery has not been fixed yet. I consider that there are no grounds for extension on interim bail of the applicant.

6. Accordingly, the applicant is directed to surrender on or before 05.11.2024. The Jail Superintendent is directed to provide all necessary



medical facilities to the applicant.

7. The application stands dismissed.
8. Copy of this order be sent to the concerned Jail Superintendent for compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 4, 2024

Dy/kr