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

+ **BAIL APPLN. 4093/2024**

AZAZ @ MONU @ DADA

.....Petitioner

Through: Mr. S.N. Qureshi, Mr. S. Chaudhary
and Mr. Amir Khan, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State.
SI Roopesh Baliyan, ISC, Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

02.12.2024

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks grant of interim bail in case FIR No. 197/2019 dated 09.07.2019 registered under sections 3/4 of the Maharashtra Control of Organised Crime Act, 1999 ('MCOCA') at P.S.: Crime Branch, Delhi for a period of 08 weeks.

2. Pursuant to last order dated 26.11.2024, Mr. Tarang Srivastava, learned APP appearing for the State has handed-up a copy of Status Report dated 22.11.2024 alongwith Nominal Roll dated 30.11.2024.
3. Status Report dated 22.11.2024 and Nominal Roll dated 30.11.2024 are taken on record.
4. Learned counsel for the petitioner draws attention to the Medical Status Report dated 23.11.2024 issued by the Senior Medical Officer,



Central Jail No. 11, Mandoli, New Delhi to point-out that in the said report, it is recorded that when the petitioner was reviewed at the cardiology department of the G.B. Pant Hospital on 09.11.2024, he was diagnosed as suffering from an AV Block (heart disease), the doctors had explained to him the seriousness of the disease and the risks involved, including the need for insertion of a pacemaker by surgical intervention; as also the risk of sudden stoppage of heart and cardiac arrest. The report however also records that the petitioner had refused treatment in the government hospital.

5. Counsel submits that considering the serious nature of his ailment, the petitioner is desirous of having himself examined and treated at a private medical facility of his choice.
6. On the other hand, Mr. Srivastava points-out, that as mentioned in the status report, the petitioner is part of a notorious gang operating in North-East Delhi; that he has been charged under MCOCA; and that he was arrested after being declared a 'proclaimed offender'.
7. Mr. Srivastava however very fairly submits, that insofar as the medical condition of the petitioner is concerned, as recorded in Medical Status Report dated 23.11.2024, that is a serious matter and requires to be addressed.
8. Nominal Roll dated 30.11.2024 shows that the petitioner has been in judicial custody for more than a year as of that date; that he has been charged with sections 3/4 MCOCA alongwith section 174-A of the Indian Penal Code, 1860; that he is also implicated in another FIR under sections 25/54/59 of the Arms Act, 1959; and that his jail



conduct has been ‘unsatisfactory’ and 02 punishments for recovery of mobile phones have been awarded to him in prison.

9. Be that as it may, considering the petitioner’s medical condition as recorded in Medical Status Report dated 23.11.2024, which the doctors have said is serious and that the petitioner may even require insertion of a pacemaker, and that he faces the risk of sudden stoppage of heart and cardiac arrest, and purely on humanitarian considerations, the petitioner – **Azaz @ Monu @ Dada s/o Rahis Alam** – is granted *interim bail* for a period of *03 weeks* from the date of his release, subject to the following conditions :

- 9.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned Trial Court;
- 9.2. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address as mentioned in the application;
- 9.3. The petitioner shall furnish to the Investigating Officer/S.H.O P.S.: Crime Branch a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 9.4. If the petitioner has a passport, he shall surrender the same to the learned Trial Court and shall not travel out of the country without prior permission of the learned Trial Court;
- 9.5. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution



witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;

- 9.6. Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent; and
- 9.7. At the time of his surrender, the petitioner shall furnish to the Investigating Officer copies of his medical records and discharge summaries, evidencing the treatment/procedures that he has undergone during the period of interim bail.
10. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
11. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
12. The petition stands disposed-of.
13. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 2, 2024/ak