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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4377/2024**

SANJEEV ALIAS BITTUApplicant
Through: Mr. Gajraj Singh,
Ms. Sakshi Sachdeva &
Ms. Aayushi Gupta, Advs.

versus

THE STATE OF GOVT OF
NCT & ORS.Respondents
Through: Mr. Manoj Pant, APP for
the State
Inspector Gir Meena, PS-
Swaroop Nagar
ACP Arvind Sagar, PS-
Swaroop Nagar
Dr. Satya Prakash
Gautam, Ms. Shashi
Kamal, Ms. Sarita Gautam
& Mr. Chandan
Kannoaujiya, Advs. for
victim (through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
17.12.2024

1. The present application is filed seeking interim bail on medical grounds in FIR No.765/2023 dated 13.12.2023, registered at Police Station Swaroop Nagar for offences under Sections 363/364/302/201/376(3) of the Indian Penal Code, 1860, Section 5(m) punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(s) read with Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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2. The learned counsel for the applicant submits that the applicant is suffering from problem in his eyes, mouth and pain in the lower back due to discectomy for lumbar disc herniation and is not medically treated properly in jail.
3. The learned Additional Public Prosecutor for the State opposes the present application and states that there is no report from the jail authorities that the applicant needs special care outside jail for such purposes.
4. This Court has perused the medical documents and the medical report dated 16.12.2024 which has categorically ruled out any requirement of private hospitalisation. It records that the application is a follow-up case of lower back ache, decrease of vision, for which he is under regular follow-up and review from on duty doctor/jail visiting ortho SR/Central Jail Hospital CJ-03 from time to time.
5. The report mentions that the condition of the applicant is stable and he is being provided with all the medication as prescribed by concerned specialist from jail dispensary itself.
6. There can be no dispute about the fact that the report dated 16.12.2024 furnished by the Medical Officer In-Charge would have taken into account the injuries and concerns, if any, suffered by the applicant and it is only after considering the same, that the medical officer had opined that the applicant herein is in stable condition.
7. Therefore, this Court is of the opinion that all the basic medical facilities have been provided to the applicant in the jail dispensary itself.
8. Though the State is under obligation to provide medical care to the prisoners and undertrials, in absence of any report or



material to justify that the applicant suffers from any serious illness and requires private hospitalisation, an exception cannot be made by this Court in exercising discretion of granting interim bail to the applicant grounds.

9. The present application, is, therefore, dismissed.

AMIT MAHAJAN, J

DECEMBER 17, 2024