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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4399/2024**

MOHD. IKRAM @ ARIF

.....Petitioner

Through: Mr.Ashutosh Bhardwaj and
Mr.Akshay Tyagi, Advocates
(Through VC)

versus

STATE (GOVT OF NCT, DELHI)

.....Respondent

Through: Ms.Kiran Bairwa, APP for the State
alongwith Insp. Yogendra Kumar,
P.S.-Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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11.12.2024

CRL.M.A. 35965/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

BAIL APPLN. 4399/2024

1. By way of this application filed under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant is seeking interim bail for a period of 30 days in FIR bearing No. 0389/2019 registered at Police Station Punjabi Bagh for offences punishable under Sections 302/34 of the Indian Penal Code, 1860 and for offences punishable under Sections 25/27 of the Arms Act, 1959.
2. In pursuance of the order dated 02.12.2024, the Senior Medical Officer, I/C, Jail Dispensary, Central Jail No.1, Tihar, New Delhi, has sent a detailed medical report dated 07.12.2024, which reads as



under:-

“With reference to the Hon'ble High Court seeking medical report of the aforesaid inmate/patient to be submitted as per given date.

As per available medical record, the inmate patient is a follow up case of L4-L5 PIVD with compressive myelopathy, left renal calculus under evaluation, hypertension and bronchial asthma. He is on treatment with Duty doctor, jail visiting specialist and concerned department at DDL) Hospital / Safdarjung Hospital / GB Pant Hospital.

For his urinary complaints i.e. left flank pain / dysuria etc. he is under treatment from department of urology Safdarjung hospital and had undergone NCCT, KUB as well which is suggestive of dilated Pelvi-calyceal system ? renal calculus for which he is under follow up whereas reporting jail dispensary with on and off complaint of pain left flank, dysuria and Blood in urine.

For his complaint of pain right sided lower back and lower limb he is under treatment from department of Neurology / Neuro-surgery, GB Pant hospital with a diagnosis of T3-T4 compressive myelopathy and L4-L5 PIVD with complaint of right sided numbness and weakness lower half body.

As per his Neurology review at GB Pant Hospital on 10.08.2024 based on latest MRI findings (done on 09.07.2024 which was suggestive of anterior displacement of thoracic spinal cord with near complete obliteration of Ventral Thecal at T3-T4 IV disk level with defused disk bulges at L3-L4, L4-L5 and L5-S1) he was referred for Neuro-surgery opinion. Accordingly on 19.08.2024 & 02.09.2024 he was referred to GB Pant Hospital for Neuro-surgery review wherein he was advised for Spine Surgery and asked the patient to undergo PAC clearance before being considered for scheduling of surgery.

At present inmate patient is under regular supervision of jail duty doctor primarily for his Spine issue pending surgery and reportedly heaving progressive weakness in lower half of the body with difficulty in performing his daily routines.

This is for your kind information and onward submission to



the Hon'ble court.”

3. The State has also filed a detailed status report. Perusal of the detailed status report indicates that in the present case, allegedly, the murder was committed in a broad day light and thereafter also, the applicant was indulged in the offence of extortion. Besides this, as per status report there are around 35 involvements in different Police Stations of Delhi and other states. Even after commission of crime, the accused-applicant proclaimed and proceedings under Section 82 and 83 were initiated against him. Though, the medical condition of the applicant is not good, but in view of the criminal antecedents and gravity of the present case, the Court considers that concession of interim bail on medical ground cannot be granted to the applicant. However, this Court is of the firm view that even a prisoner has a full right to get the medical treatment.
4. In view of the medical report dated 07.12.2024, the Medical Superintendent, GB Pant Hospital is directed to constitute a medical board to examine the applicant fully and if require, the applicant be admitted in the Hospital and effective medical treatment be provided to him in accordance with the procedure. It is also directed that regular medical check-up of the applicant be also conducted. The compliance report be also sent to the concerned Jail Superintendent.
5. With the aforesaid directions, the instant application stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 11, 2024/Dy/ht..