



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 861/2025**

AMIR@MUNNA@SHAHZADApplicant
Through: Mr. Pranay Gupta & Mr.
Mohd. Arif, Advs.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Aashneet Singh, APP
for the State.
SI Suresh Kr. Meena, PS
New Usman Pur.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
19.03.2025

%

1. The present application is filed seeking interim bail for a period of four weeks in FIR No.549/2017, registered at Police Station New Usmanpur under Section 302/34 of Indian Penal Code, 1860, on account of medical emergency.
2. The medical status report indicates that the applicant has been suffering from various ailments. Multiple stones have been found in his right kidney with Hydronephrosis and severely impaired right kidney function. Due to symptoms of Epigastric Abdomen Pain with Colic Pain which persisted, he was referred to Safdarjung Hospital and All India Institute of Medical Science (AIIMS) for DTPA Scan and further management.
3. The medical status report further indicates that the applicant has a history of Right DJ Stent Surgery one year back. He was admitted in the MI Room due to his complaint of weakness in body, body ache and pain in the lower limb and follow up case of Hydronephrotic in the right kidney with

BAIL APPLN. 861/2025

Page 1 of 3



severely impaired function and delayed clearance (Right Kidney Function – only 15%). He is also planned for DTPA Scan at AIIMS Hospital on 19.06.2025.

4. The applicant has been complaining of the said condition from the last many months. It cannot be disputed that the same requires consistent treatment and the surgery may also be needed.

5. The applicant was referred to AIIMS and his further investigation / scanning has been scheduled for 19.06.2025.

6. The applicant is allegedly involved in a heinous offence in the present case for which FIR is registered under Sections 302/120B/34 of the Indian Penal Code, 1806.

7. The applicant on one occasion was released on interim bail and had surrendered on time, however, on the second occasion, the applicant was found to be involved in other cases under Sections 25/27/59 of the Arms Act, 1959 while being on interim bail. However, it cannot be denied that he has been in custody for more than six years and the trial has still not been completed.

8. The applicant stays with his wife. The present application is filed by the wife of the applicant as a Parokar. Since the Jail Authorities are not in a position to get the applicant treated expeditiously which is apparent from the fact that the AIIMS has given a date for further investigation after 3 months, the applicant is entitled to get his treatment done at the earliest from a private hospital.

9. Considering the above, the applicant is directed to be released on interim bail for a period of four weeks, if not in custody in any other case, on furnishing a personal bond for a sum of ₹50,000/- with two sureties of the like amount, subject to the satisfaction of the Jail Superintendent, on the following conditions:

BAIL APPLN. 861/2025

Page 2 of 3



- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - b. The applicant shall, upon his release, provide the address where he would be residing after the release and shall not change the address without informing the concerned IO/ SHO;
 - c. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
 - d. The applicant shall not leave the boundaries of Delhi without informing the concerned IO/SHO;
 - e. The applicant shall call the concerned IO once in a day, during the period of his release, to mark his presence.
9. The applicant is directed to surrender before the concerned Jail Superintendent on or before the 28th day of his release.
10. The present application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MARCH 19, 2025

“SK”