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

+ **BAIL APPLN. 957/2025**

KISHAN GUPTA

.....Petitioner

Through: Mr. Rajneesh Bhaskar
(DHCLSC) with Mr. Rachit
Raushan, Adv.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Meenakshi Dahiya, APP
for State.
SI Jatin Kaushik PS Raj Park.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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21.04.2025

1. This is a first bail application filed by the petitioner under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), seeking grant of interim bail for a period of 03 months in case FIR No. 0167/2024 dated 20.02.2024 for the offences under sections 302/201 of the Indian Penal Code, 1860 ('IPC') registered at Police Station Raj Park, Delhi on the medical ground of his ailing wife and to take-care of their newborn child.

2. The learned counsel for the petitioner submits that wife of the petitioner is suffering from Metastatic Paraganglioma (Tumor) and has delivered a child on 15.08.2024, however, she has to resume her



therapy, i.e., 'Lu DOTATATE'.

3. He further submits that his wife is at the advanced stage of cancer, therefore, to take care of his ailing wife as well as the new born child, he has to make arrangement for finances and has to provide emotional support to them. He submits that in face of these circumstances, the petitioner be granted interim bail for a period of three months.

4. Ms. Meenakshi Dahiya, the learned APP for the State has vehemently opposed the bail application by submitting that it is apparent from the medical report of the wife of the petitioner that she does not require any surgery, however, she may be undergoing some treatment. She submits that the petitioner has a large family constituting of his mother and sisters who are taking care of his wife as well as of his new born child, thus, no ground for interim bail is made out.

5. Having heard the arguments advanced by the learned counsel for the petitioner as well as the learned APP for the State and also perused the material available on record.

6. At the outset, it is necessary to refer to the verification report regarding medical documents of the wife of the petitioner. As per the verification report furnished along with the status report, the treating doctor from the Department of Nuclear Medicine and PET Scan, All India Institute of Medical Sciences, New Delhi (AIIMS) has stated that the wife of the petitioner was registered at AIIMS for cancer treatment in the year 2021. In between 2021-2022, she got married and is suffering from Metastatic Paraganglioma for which she has



undergone three cycles of Radionuclide Therapy. However, as she became pregnant, it led to a discontinuation of her treatment. Following her visit to the hospital on 17.03.2025, she has been advised to undergo follow-up remaining therapy session which has been planned in the month of May.

7. Admittedly, the wife of the petitioner has delivered a child on 15.08.2024 and she herself is a cancer patient who requires medical attention and treatment. The learned counsel for the petitioner has submitted that she is at an advance stage of cancer.

8. In view of the above, the applicant be released on *interim* bail for a period of 30 days from the date of his release, on his furnishing a personal bond in the sum of ₹20,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court / CMM / Duty Magistrate and further subject to the following conditions:-

- a. *The Petitioner shall not leave the NCT of Delhi.*
- b. *The Petitioner is directed to give all his mobile numbers to the Investigating Officer and keep it operational at all times.*
- c. *The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other person 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.*



- d. The Petitioner shall report at the Police Station Raj Park, Delhi thrice in a week for recording his presence before the SHO/IO.*
- e. The Petitioner shall surrender before the Jail Superintendent concerned after expiry of the period of interim Bail of 30 days.*

9. Needless to state, any observation made hereinabove shall not tantamount to be an expression on the merits of the case before the learned Trial Court and has been made for the consideration of the *interim* Bail alone in the prevailing circumstances.

10. Copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

11. Accordingly, the present bail application is disposed of.

SHALINDER KAUR, J

APRIL 21, 2025/ab/kp

[Click here to check corrigendum, if any](#)