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

+ **BAIL APPLN. 1127/2025**

**RAKESH @ TINKU**

.....Petitioner

Through: Mr. Avi Kalra, Mr. Prateek  
Lakra, Mr. Devesh Chauhan &  
Ms. Preetika Shukla, Advs.

versus

**STATE NCT OF DELHI**

.....Respondent

Through: Mr. Tarang Srivastava, APP for  
State.  
SI Anup Rana PS Hari Nagar.

**CORAM:**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

% **15.04.2025**

**CRL.M.(BAIL) 598/2025**

1. The present application has been filed on behalf of the petitioner/accused under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of an interim bail for a period of 45 days in the FIR No. 269/2022 dated 12.03.2022 registered at Police Station Hari Nagar under Sections 308, 323, 34 of the Indian Penal Code, 1860 on medical grounds.
2. The learned counsel for the petitioner submits that the petitioner has to undergo 'right Tympanoplasty surgery' for which he was earlier granted interim bail by the learned Coordinate Bench of this Court *vide* Order dated 17.05.2024.



3. He submits that the petitioner has not misused the liberty granted to him *vide* Order dated 17.05.2024 and had surrendered as per the directions after seeking extension of the interim bail once. Thus, he submits that the petitioner should be granted interim bail for at least 10 days for getting the said procedure done.

4. The learned APP for the State has vehemently opposed the present application by submitting that keeping in view the overall jail conduct and record of the petitioner, he should not be granted bail. Further, the said surgery was already scheduled for today in Dr. BSA Hospital, Rohini, but the petitioner is making a ground to seek interim bail.

5. To rebut the submissions, the learned counsel submits that the same jail conduct report of the petitioner was available before the learned Coordinate Bench when the interim bail, *vide* Order dated 17.05.2024, was granted to him. Moreso, as the procedure is to be performed on the ear, being a delicate organ, it may cause infection which fact, in similar situation was also considered by the learned Co-Ordinate Bench.

6. Apart from hearing arguments advanced from both the sides, this Court has perused the report by the Jail Doctor dated 28.03.2025, wherein, it has been mentioned that the petitioner is planned for 'right Tympanoplasty' under local anaesthesia and though, it was scheduled to be done on 15.04.2025.

7. At this stage, the learned counsel for the petitioner submits that there is a possibility of infection and to avoid complications in the surgery from another hospital, the petitioner wants to undergo the said



procedure from the same hospital from where his earlier surgery was done, that is, at Indus Valley Hospitals, 232 Main Tehsil Road, Near Tude Mandi, Laxmi Garden, Najafgarh, New Delhi.

8. In view of these circumstances, the petitioner is granted interim bail for a period of 7 days from the date of his release, for getting the said procedure with respect to 'right Tympanoplasty surgery' conducted from the Indus Valley Hospital, Najafgarh, New Delhi, subject to the following conditions:-

- a. The petitioner shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- b. The petitioner shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- c. The petitioner shall, upon his release, speak with the concerned IO once every day;
- d. The petitioner shall under no circumstance leave the boundaries of NCT of Delhi during his release;
- e. The petitioner 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.
- f. At the time of surrender, the petitioner shall furnish a copy of discharge summary and the medical records in respect of his surgery, evidencing the procedure he has undergone while the applicant was on interim bail, to the



concerned Jail Superintendent.

g. The petitioner is directed to surrender upon the expiry of interim bail of 7 days from the date of his release, before the concerned Jail Superintendent.

9. A copy of this Order be sent to the Jail Superintendent concerned for information and necessary compliance.

10. It is made clear that this Court has not expressed any observations on the merits of the case and have been made for the consideration of the interim bail alone.

11. Accordingly, the present application is disposed of in the above terms.

**SHALINDER KAUR, J**

**APRIL 15, 2025/ab/frk**

*Click here to check corrigendum, if any*