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

+ **BAIL APPLN. 1228/2025**

SUNIL @ BALLU

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Prashant and
Mr. Shivashish, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
Inspector Braj Mohan, SHO/ODRS,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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28.03.2025

CRL.M.A. 9524/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Third Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (*hereinafter referred to as 'B.N.S.S.'*) read with Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*) has been filed on behalf of the Petitioner, Sunil @ Ballu for grant of Interim Bail for a period of 60 days on medical grounds in Case FIR No. 699/2015 under Section 302/394/201/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Railway Main Delhi (RMD).



4. It is submitted that the Applicant is in judicial custody since nine years and three months. His earlier Bail Applications have been rejected. The last Regular Bail Application of the Applicant was dismissed by this Court *vide* Order dated 10.02.2025. It is submitted that the Applicant is suffering from Gall Bladder stones and his CBD is distended and shows calculus of size 13 MM in its lumen. He had been referred for surgery but the treatment received till date in the judicial custody, has not been satisfactory and the date of surgery has been fixed as 21.05.2025.

5. On the earlier occasion, he was granted Interim Bail on two occasions, once *vide* Order dated 13.12.2023 for 15 days and again on 08.04.2024 for ten days and on both the occasions, he had surrendered before the Jail Authorities on time. He is also a patient of epilepsy and HIV and seeks better treatment for his health. Hence, the prayer is made for grant of 60 days Interim Bail, on medical grounds.

6. **Learned APP for the State**, has opposed the Bail Application on the ground that he is a desperate criminal, who has more than 20 FIRs registered against him. Having not been successful in getting the Regular Bail, this is another desperate attempt by him to somehow secure the Bail. His surgery date was fixed in October, 2024 but he declined to get the operation done. He, on every occasion, has been refusing the treatment and now his Interim Bail Application on the ground of medical treatment, is only an attempt to secure the Bail and must be dismissed.

7. **Submissions heard and the record perused.**

8. The sole ground on which the Interim Bail, has been sought by the Applicant is that he suffers from Gall Stones. The record shows that he has been getting the treatment from DDU Hospital and his surgery on the earlier



occasion was fixed for 23.10.2024 but he declined to get himself operated. He himself has stated that now the date of surgery is 21.05.2025.

9. Considering the totality of circumstances, no case for Interim Bail is made out. However, it is hereby directed that the Jail Authorities shall provide him with all the requisite medical treatment and the Applicant may also ensure that he does not deny the treatment organized by the Jail Authorities.

10. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

MARCH 28, 2025/RS