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

+ **BAIL APPLN. 1501/2025**

DEEPAK KUMAR @ DHARMENDERPetitioner

Through: Mr. Vikram Singh Nagpal, Mr.
Prabhat Goswami and Mr. Dushyant
Bhargava, Advocates.

versus

STATE OF GOVT. OF NCT OF DELHIRespondent

Through: Ms. Shubhi Gupta, APP with SI
Sachin, P.S.Mahindra Park.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

14.05.2025

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1. This is an application under Section 439 read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of interim bail for a period of six months on the ground of immediate medical treatment in case FIR No. 391/2023, under Sections 393/394/397/34 IPC and Section 25/27 of Arms Act, registered at P.S.Mahendra Park, New Delhi.
2. Learned counsel for the petitioner submits that petitioner is suffering from a long-standing issue involving a fracture of the right proximal tibia. He underwent surgery in 2017, involving an implant, which remains *in situ*. It is submitted that during the period of incarceration, the petitioner developed serious complications including pus discharge, pain and swelling issue over his right leg necessitating consistent orthopedic follow-up. It is submitted that he



has been advised implant removal surgery and petitioner wishes to have the operation performed under the care of his parents.

3. Learned APP has brought to the notice of the Court that similar application filed by the petitioner in case FIR No. 390/2023 under Sections 392/397/34 IPC, P.S.Mahindra Park on the same grounds, has been dismissed by the Co-ordinate Bench of this Court vide order dated 01.05.2025 passed in Bail Appln. 1482/2025. Copy of such order has been placed on record.

4. While dismissing the said application of the petitioner, the Court observed that petitioner is being provided adequate treatment. The report received from the Medical Officer of the Central Jail Hospital shows that the general condition and vitals of the petitioner are stable and he is being provided all the necessary treatment from the Jail Dispensary. There is nothing on record which may indicate that petitioner is suffering from any medical condition for which treatment is not available in the Jail Hospital/Referral Hospital.

5. Hence keeping in view the aforesaid, and in particular the fact that the bail application on identical grounds has been dismissed by the Co-ordinate Bench of this Court and the general condition of the petitioner is stable, I am not inclined to grant interim bail to the petitioner.

6. The application is dismissed. However, direction is given to the Superintendent Jail to ensure that petitioner is provided best possible treatment as per the advice of the doctor.

RAVINDER DUDEJA, J

MAY 14, 2025/ib