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

+ **BAIL APPLN. 1897/2025**

MANJOOR ALAM

.....Petitioner

Through: **Mr. Sarfaraz Hussain, Advocate.**

versus

CBI

.....Respondent

Through: **Ms. Anubha Bhardwaj, SPP, Ms. Mehak Arora, Ms. Astha Dwivedi, Ms. Muskan Narang, Advocates.**

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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13.06.2025

1. This is an application filed by the Applicant seeking interim bail for 3 (three) months on the grounds of medical treatment in light of the serious medical condition of the Applicant. It is stated that the Applicant is a patient of Hepatitis-B with presumed perinatal transmission and there is likelihood of damage to the kidney and liver as the said disease is at the last stage. It is also submitted that the Applicant is suffering from COPD with blood in urine.

2. This Court had *vide* order dated 19.05.2025 issued notice, which was accepted by the learned Special Public Prosecutor (“SPP”) for the Respondent and time for filing verification report of the documents, on the basis of which, the interim bail has been sought by the Applicant, was granted. On the next date of hearing on 28.05.2025, as the verification report was not on record, the application was listed before the Vacation Bench on



04.06.2025. Even on 04.06.2025, the status report was not on record and hence the matter was listed on 11.06.2025 before the Vacation Bench. On 11.06.2025, the status report was taken on record and arguments were heard in part. For remaining arguments, the application was listed on 13.06.2025 before the Vacation Bench.

3. It is submitted on behalf of the Applicant that he is a genetic patient of Hepatitis-B with presumed perinatal transmission and because of the same there is damage to the kidney and liver of the Applicant. At least two family members of the Applicant have expired at young age and the third family member is on dialysis because of this hereditary condition in the Applicant's family.

4. As the Applicant is in judicial custody, there is a potential risk of Progressive and Irreversible nature of COPD with blood in urine. Hence, this application for interim bail has been filed on medical ground for three months for getting the medical treatment by the Applicant at his own cost from the hospital of his choice.

5. The regular bail application of the Applicant under Section 439 of the Code of Criminal Procedure, 1973 has been dismissed by this Court *vide* order dated 17.02.2025. Prior to that, the regular bail application of the Applicant was dismissed by the learned Trial Court on 21.11.2024.

6. The learned Trial Court has also dismissed the application for interim bail for period of three months on medical ground as prayed by the Applicant in the present application *vide* order dated 01.05.2025.

7. It is submitted by the learned counsel for the Applicant that the learned Trial Court dismissed the interim bail application only because the regular bail application was dismissed by this Court although the learned



Trial Court had observed the fact of the medical condition of the Applicant. It is submitted that despite the learned Trial Court acknowledging that there is a serious medical condition of the Applicant, the interim bail application was not considered on the ground that the Applicant is getting proper treatment at State's expense.

8. The learned counsel for the Applicant has relied upon the order of the Supreme Court in the case of **Satyendar Kumar Jain v. Directorate of Enforcement**, 2023 SCC OnLine SC 686 wherein the Supreme Court has observed that *"the citizen is having a right to take treatment of his choice, at his own expenses, in a private hospital."*

9. In view of the above observation by the Supreme Court, it is submitted by the learned counsel for the Applicant that the Applicant is similarly situated and entitled to interim bail on medical ground for a period of three months because the Applicant would like to avail the treatment of his choice in a private hospital.

10. The learned SPP for the Respondent has strongly opposed grant of the interim bail on the ground that further investigation is ongoing and releasing the Applicant shall be detrimental to the same.

11. It is submitted by the learned SPP that the Applicant runs a travel agency and is a flight risk. It is stated that the Applicant is a sole proprietor of M/s Ali International Services and the said firm was involved into illegal trafficking of humans from India to abroad.

12. As regards the verification of medical reports, it is submitted by the learned SPP that the Applicant refused the medical treatment by getting admitted in Deen Dyal Upadhyay Hospital and only continued as an OPD patient.



13. As per the ultrasound report, the liver of the Applicant is found to be normal and only grade I fatty liver was found by the Doctor at Safdarjung Hospital. The medical report of G.B. Pant Hospital also shows that the Applicant is being adequately treated and provided full medical assistance while being in judicial custody.

14. The learned SPP has relied upon the judgment of the Supreme Court in ***U.P. v. Gayatri Prasad Prajapati***, (2022) 15 SCC 515 wherein the Supreme Court observes as under:

“14. The medical condition of the respondent, the treatment given and various reports including the report of Medical Board were on record. The SGPGIMS is a super-speciality hospital where the respondent has been referred for specified purposes and report of SGPGIMS has also been brought on the record as Annexure P-10 along with the letter dated 10-6-2020 addressed to Chief Medical Superintendant, SGPGIMS, Lucknow.

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18. Even as on date, due medical care is being taken of the respondent, which is apparent from the additional documents filed as Annexures A-2 and A-3 along with the application dated 10-10-2020. The High Court, without considering the entire materials on record, has passed the impugned order dated 3-9-2020 [Gayatri Prasad Prajapati v. State of U.P., 2020 SCC OnLine All 1252] , which is unsustainable.”

15. The learned SPP relied upon the said order to submit that when the Applicant is receiving proper medical treatment from the super speciality hospital, there is no need to release the Applicant on medical grounds.

16. It was further submitted by the learned SPP that while dismissing the regular bail application of the Applicant, this Court vide order dated 17.02.2025 in BAIL APPLN. 202/2025 titled '***Manjoor Alam v. CBI***' has



observed as under:

“12. In the present case, the allegations against the petitioner are of a serious nature and chargesheet has been filed under Sections 120B/420/370 of IPC. I am informed that there is another FIR registered by NIA against the petitioner on account of indulging in human trafficking, and hence, this is not the only case registered against the petitioner for human trafficking.

13. The entire network is yet to be unearthed and the investigation of the CBI and other cases of human trafficking with intention to commit cyber-crimes by Chinese controlled companies are yet to be investigated.

14. The submission of Mr Venkatraman, learned counsel for the petitioner that M/s Ali International Services is a tenant of the petitioner cannot be accepted at this stage as the petitioner has not substantiated the said argument as neither there is lease deed nor the bank entries showing the amount/rent credited to the account of the petitioner.

15. Further, the victim Mr. Saddam Ibrahim Sheikh has already deposed that at Kolkata Airport, he made a video call with the petitioner.

16. Prima-facie, the petitioner is having a travel agency and there is likelihood of him being fleeing from the judicial process.

17. Lastly and most importantly, all the arguments raised by the learned counsel for the petitioner today are available to the petitioner at the time of framing of charges.

18. For the said reasons, I am not inclined to entertain the present petition at this stage. The same is dismissed.”

17. Considering the facts and circumstances and the medical records, it is apparent that the Applicant is receiving proper and timely medical treatment from the renowned hospitals for the ailments for which the Applicant has sought bail for getting medical treatment from private hospital at his own expense. The medical records show that the Applicant is being treated from time to time and all reports show that the condition of the Applicant is stable



and there is no major medical complication. A perusal of the prescriptions and test reports reveals that the Applicant is receiving timely treatment as and when required from some of the best hospitals.

18. Further, the observations of this Court while rejecting the regular bail application as stated above are pertinent. The offences involved in this matter of human trafficking are quite serious and the Applicant having a travel agency would pose a further flight risk. As the Applicant is receiving adequate and timely treatment in the custody, this application filed solely on medical grounds deserves to be dismissed with a direction to the concerned Jail Authority to provide all necessary medical treatment.

19. For the reasons stated above, the present application is dismissed with a direction to the State and concerned Jail Authority to provide proper facility and timely medical treatment to the Applicant for all his ailments including Hepatitis-B and COPD at the best medical facility / super-speciality hospital, as may be advised, for treatment of the diseases being suffered by the Applicant.

20. Let a copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

**TEJAS KARIA, J
(VACATION JUDGE)**

JUNE 13, 2025/KG/CK

Click here to check corrigendum, if any