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

+ **BAIL APPLN. 2262/2025**

KAMAL SHARMA

....Petitioner

Through: Ms. Kirti Chauhan, Ms.
Deepanshu Goswami, Mr.
Rohit & Ms. Himanshi
Goswami, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for
the State.
Insp. Ranjit Tokas, PS Sector
23, Dwarka.

CORAM:

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **27.06.2025**

CRL.M.A. 18088/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This application has been filed by the applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, read with Section 439 of the Code of Criminal Procedure, 1973, seeking interim bail for a period of 30 days on the ground of medical illness of his wife, who is diagnosed with gallstone in her gallbladder and is unable to carry out day to day functions.

3. It is stated by learned counsel for the petitioner that the wife of the petitioner has been diagnosed with a 23 mm calculus (gallstone) in her gall bladder and *vide* Order dated 15.05.2025, the petitioner was granted interim bail for a period of one week from 23.05.2025 till 29.05.2025, for surgery and laparoscopic cholecystectomy of wife of



the petitioner. It is further been stated that during aforesaid period of interim bail, the medical condition of the wife of the applicant was not stable for surgery and consequently, the surgery which was scheduled for 18.06.2025, was postponed.

4. It is stated that the applicant filed an application seeking extension of interim bail on the said ground but was rejected vide order dated 29.05.2025 with these directions;

“6. In light of the above, the Petitioner's request for extension of bail is declined. However, it is clarified that once the condition of the Petitioner's spouse stabilizes, she is declared fit for surgery, and a confirmed date for surgery is provided, the Applicant shall be at liberty to apply for suitable directions, which shall be considered on its own merits.”

5. It is further stated by learned counsel for petitioner that now the surgery and laparoscopic cholecystectomy of wife of the petitioner is scheduled for 30.06.2025, therefore, prays that the petitioner be granted interim bail for period of 30 days.

6. Status report is filed by the State wherein it is reported that;

“ 10. Recent medical documents attached by the accused of his wife Nirmal Sharma were also got verified from Highland Care Multi Speciality Hospital, wherein treating Dr. has clearly mentioned that surgery date is fixed for 30.06.25 which is the earliest date. Further, hospital also stated that in this type of surgery typically requires 1-2 days stay in hospital and 3-5 days of rest at home.”

It is submitted by the learned APP for the State that in view of the report from the hospital, only one week is sufficient for interim bail.

7. As per the medical documents attached with the present



application, the wife of the petitioner is to undergo for surgery and laparoscopic cholecystectomy which is scheduled for 30.06.2025. Since the petitioner has already been granted interim bail on previous occasion as well for the surgery of his wife, finding the ground as genuine, I deem it appropriate to release the petitioner on interim bail for a period of two weeks from the date of his release, subject to furnishing personal bond to the tune of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court on following conditions:-

- i) That the applicant/accused shall not change his address and shall provide his mobile numbers to the IO of the case;
 - ii) That the mobile numbers should be always working for 24 hours;
 - iii) That he will not leave Delhi without the permission of the Court;
 - iv) That he will not commit any crime/offence or antisocial activity during the trial of the case;
 - v) That he will not threaten of the witnesses or tamper with the prosecution evidence.
8. The application stands disposed of in above terms.
9. A copy of this order be also sent to the Jail Superintendent for necessary action.

RENU BHATNAGAR, J
(VACATION JUDGE)

JUNE 27, 2025/pr/kz

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