



\$~68

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

+ **BAIL APPLN. 2821/2025**

POONAM

.....Petitioner

Through: Mr. Aakash Soni, Mr. Annanya Giri
and Mr. Sukrit Gupta, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

30.07.2025

CRL.M.A. 21957/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 2821/2025

3. By way of the instant application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing no. 0444/2025, registered at Police Station North Rohini, Delhi for the commission of offences punishable under Sections 221/132/121(1)/126(2)/76/109/351(2)/3(5) of the Bharatiya Nayaya Sanhita, 2023 (hereafter 'BNS') and Section 4 of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage of Property) Act, 2008.
4. Issue notice. The learned APP accepts notice on behalf of the State.



5. Briefly stated, the facts of the present case, as alleged, are that on 09.06.2025, when Dr. Reena Kumari was returning from ward no. 12 OPD, she had been accosted, *gheraoed* and physically assaulted by 4-5 women who had tried to strangle her by using the stethoscope which the doctor was carrying on her neck and in that scuffle, the doctor's clothes were also torn by those women. In the course of investigation, it was revealed that on 01.06.2025 one lady 'S' had been brought to BSA Hospital for the delivery of a child. She was granted admission in the hospital on 02.06.2025 and on the same day, she gave birth to a male child. But, the new born baby did not cry at the time of birth and upon investigation of the medical condition of the child, it came to the fore that the child was suffering from lung infection. The new born baby was immediately shifted to the hospital's nursery. According to the IO, the baby was kept under supervision of the doctors. However, as the child did not recover from the infection, it led to his untimely demise. When the news of the demise of the child was given to the family members, they suddenly became violent and attacked the complainant Dr. Reena Kumari. The complainant underwent medical examination and the opinion given by the examining doctor indicates that the injuries were "dangerous" in nature. Accordingly, thereafter, Sections 109 and 351(2) of BNS were added to the case.

6. The learned counsel appearing on behalf of the applicant argues that the applicant is being falsely implicated in the present case and she has no connection with the alleged offence. The learned counsel argues that even as per CCTV footage, the applicant cannot be seen committing any act, as alleged by the prosecution. He therefore prays that the anticipatory bail be granted to the present applicant/accused.



7. The learned APP for the State, on instructions from the IO, fairly concedes that the applicant was only a bystander which is visible in the CCTV footage, and therefore, he has no objection if the present bail application is allowed.

8. This Court has heard arguments addressed on behalf of both the sides and has perused the material available on record.

9. The allegations against the present applicant is that she, alongwith co-accused persons, had *gheraoed* and beaten the doctor on duty. It is however conceded on instructions from the concerned Investigating Officer (I.O.) that the CCTV footage shows that the present applicant was only a bystander and had not either taken part in the offence in question, nor had attacked the doctor.

10. In the present case, in view of the aforesaid, this Court is inclined to grant anticipatory bail to the applicant. In event of arrest, she shall be released on her furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned and subject to her joining investigation, on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by her with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned



I.O/SHO.

11. Accordingly, the present application for grant of anticipatory bail is allowed.
12. It is clarified that in case, the applicant will not join investigation, it will become a ground for cancellation of bail.
13. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.
14. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 30, 2025/ns