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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 4832/2024

JONY @ SHIVA

.....Petitioner

Through: Mr. Sunil Kumar, Adv.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP with SI
Mayank and Insp. Daya Sagar, IO,
P.S. Kalyan Puri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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08.01.2025

1. The present petition has been filed seeking interim bail for the petitioner in connection with FIR No.52/2021 under Sections 363/364/302/201/120B/34 IPC registered at P.S. Kalyan Puri, New Delhi on the medical ground that the petitioner is suffering from Tuberculosis (TB).
2. The notice was issued in the present petition by this court *vide* order dated 24.12.2024 with a direction to the Jail Superintendent to file a medical report of the petitioner. The medical report has been received from the jail which is on record.
3. A perusal of the report shows that the petitioner is a known case of Pulmonary Tuberculosis which was diagnosed on 27.11.2024. It is also stated that the petitioner is currently admitted in Central Jail Hospital at Central Jail-13. It also appears that the petitioner requires high protein diet for the cure of TB.



4. On a query posed by the court, the learned APP appearing on behalf of the State fairly states that the TB is a communicable disease.

5. It is not in dispute that the petitioner is continuously in custody since 26.02.2021 and all public witnesses have been examined.

6. Having regard to the aforesaid facts and circumstances, this court is of the view that the present petition deserves to be allowed on humanitarian grounds. However, to allay the apprehension expressed by the learned APP for the State that the petitioner might abscond, stringent conditions are being imposed by this court.

7. In view of the above, the petitioner is directed to be released on interim bail for a period of four weeks subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JMFC and further subject to the following conditions:

- (i) The petitioner shall share his mobile numbers with the Investigating Officer (IO) which shall be kept on at all times.
- (ii) In case of change of residential address, he shall inform the Trial Court as well as the IO.
- (iii) The petitioner shall not travel outside Delhi during this period.
- (iv) The petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.
- (v) In case he is found indulging in any other incident or incident of offence of tampering with evidence or approaching the witnesses, the same will become ground for cancellation of interim bail.
- (vi) The petitioner shall call the IO concerned on every Saturday during the period of his interim bail.



8. The petitioner shall surrender immediately after the expiry of four weeks from the date of release.
9. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.
10. Copy of this order shall also be given to the counsel for the petitioner *dasti* under the signatures of learned Court Master.
11. The petition is disposed of in the aforesaid terms.

JANUARY 8, 2025

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VIKAS MAHAJAN, J